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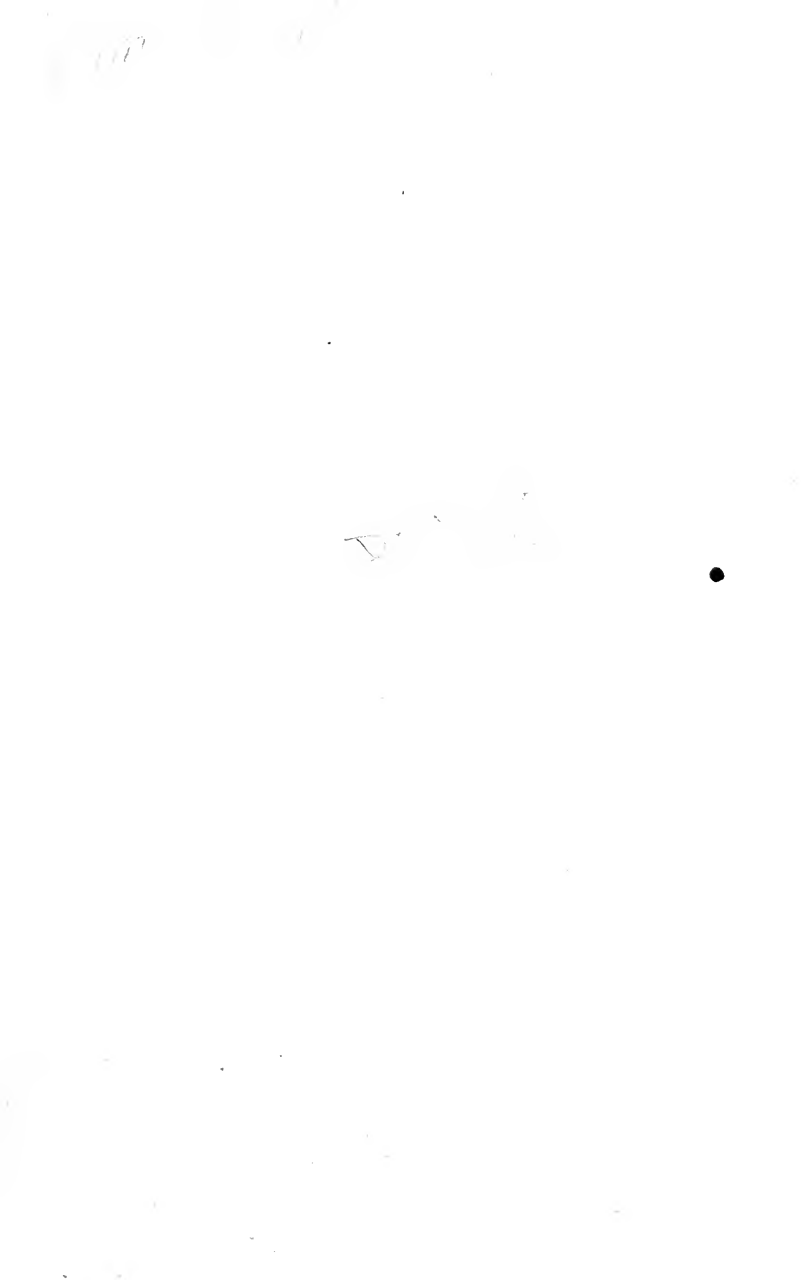
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B. Darlington
HAZARD'S

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REGISTER OF PENNSYLVANIA,

DEVOTED TO THE

PRESERVATION OF FACTS AND DOCUMENTS,

AND EVERY KIND OF

USEFUL INFORMATION

RESPECTING THE STATE OF PENNSYLVANIA.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—FROM JANUARY 1834 TO JULY 1834.

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HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 1. PHILADELPHIA, JANUARY 4, 1834. NO. 313

PHILADELPHIA BOARD OF TRADE.

A special meeting of the Philadelphia Board of Trade was held on the 16th inst. at the Merchant's Coffee House, to receive the Report of the Delegates to the Warren Convention, Thomas P Cope, Esq., President of the Board, in the Chair.

At a meeting of the Board of Directors, held on the 11th inst., it was unanimously

Resolved, That the thanks of the Board of Directors be presented to the Delegates to the Warren Convention, for the able and satisfactory manner in which they have discharged the duties committed to them, and that their Report be referred to a Committee to present the same at a special meeting of the Association, to be held on the 16th inst.

General Patterson, Chairman of that Committee, presented to the Chair the Report of the Delegates, which was read, and is as follows:

The Delegates appointed to represent the City and County of Philadelphia in the recent convention held at Warren, Ohio, respectfully submit herewith to the Board of Trade a statement of their proceedings. In the selection of materials for the present Report, much embarrassment has been experienced from the number and variety of topics suggesting themselves for consideration, which it was yet impossible to present, even in moderate detail, without swelling this communication beyond its proper limits. As many of these however, are believed to have an important bearing upon the interests of our City and State, they will form the subjects of distinct statements to be appended to this report, or, to be hereafter separately submitted.

Agreeably to the expressed wishes of your Board, that the Delegation should obtain whatever information might be found practicable in their journey through Pennsylvania, respecting the state of our public improvements, and the degree of reliance which could be placed upon them as a medium of communication for the ensuing season, they proceeded to Pittsburgh by the northern route, which leads for a considerable portion of the distance immediately along the line of the Western Canal. At Harrisburg they had an interview with the Governor and Canal Commissioners, who manifested a deep interest in the objects of the Convention, and readily furnished the desired information upon various points of enquiry.

From the results of their observations in their tour to and from the west, the delegation are happy to state that they have been, on the whole, highly gratified with the present appearances of the public works; as it respects their good order and general character of stability, it is highly satisfactory in view of our present wants and interests to know that we are in the actual enjoyment of a line of Canal, connecting the Eastern and Western waters of our State, adequate for all the purposes contemplated in its formation, and to which time is daily adding increased permanency and strength. To the excellence of the Portage Rail Road across the Allegheny ridge, your delegation can especially bear unhesitating testimony; the work may be regarded as furnishing the most effectual communication between the two divisions of the Canal, which circumstances admit, and in its execution is highly creditable to the Engineers, under whose supervision it has been placed. In

passing over this interesting and important section, and in witnessing the triumphs which skill and perseverance have gained over the obstacles of nature, by thus opening safe and easy channels to commerce, through the wildest defiles and most rugged fastnesses of our majestic mountains, the impression could not be resisted, that the present generation had not only opened for themselves her sources of prosperity, but that they would be bequeathed to our descendants, to be cited in the future History of Pennsylvania, as monuments of bold and energetic, as well as successful achievements.

At Pittsburgh, the delegates were joined by a highly respectable deputation from that city and the county of Allegheny, and descending, in company, the Ohio River to Beaver, they reached Warren on the evening of the 12th November.

Upon the morning of the ensuing day, the Convention, consisting of one hundred and nine members, was duly organised, and proceeded at once to the consideration of the important objects of its assemblage, viz:—to decide upon the most eligible mode of uniting the public works of Pennsylvania with those of the State of Ohio, and to fix the most suitable point of junction.

Three different methods for forming the proposed connexion were presented.

1st. A canal commencing at Akron on the Ohio Canal, and passing the summit at Ravenna, by the valley of the Mahoning, to meet the termination of the Pennsylvania improvements, at or near New Castle.

2d. A Rail Road from Masillon on the Ohio Canal, to the mouth of Little Beaver, or by a continuous line to Pittsburgh.

3d. A Canal from Bolivar, on the Ohio Canal, by the route of Sandy Creek and Little Beaver, to unite with the Pennsylvania Canal Basin at the mouth of the Big Beaver.

The merits of these several plans were explained with much ability and zeal by their respective advocates, and valuable information furnished respecting the character and products of the different counties in the vicinity of the lines of junction under consideration. As is already known to your Board the task of selection from the various routes was finally devolved, by an unanimous vote of the Convention, upon a Committee consisting of the delegates from Philadelphia and Pittsburgh. This mark of confidence, joined to the deep interests which the City of Philadelphia as well as the State of Pennsylvania had at issue, upon a judicious choice of the place and mode of connexion, imposed upon the Committee the new and unexpected duty of making a personal examination of the specified lines, and they commenced the undertaking immediately after the adjournment of the Convention. This took place on the 15th ultimo, after a session of three days, marked through its whole course by the manifestations of mutual respect and courtesy, and kindness among the Delegates. The importance attached by the citizens of Ohio to the deliberations and action of this convention may be inferred from the numerous representation from the various counties whose interests were supposed to be more directly affected by the choice of a connecting route, and especially from the high character of the gentlemen deputed as their Commissioners.

Of the result of a faithful and impartial examination of the proposed modes of connexion, the Board have

been apprised by the published document, signed by the Delegates from Philadelphia and Pittsburgh, a copy of which, marked A. is herewith subjoined.* It is only necessary to add, that in the choice of a Canal by the Mahoning route, there was a unanimous and undoubting concurrence, and they unhesitatingly recommend this line of junction to their fellow citizens, as that upon which their attention and efforts should be concentrated. The soil and character of the ground through which it passes are eminently favorable, the supply of water abundant, and the cost of construction alike moderate, and of definite calculation.

The advantages of the contemplated connexion with the Ohio Canal may be gathered from the following facts, which although presented, as your Delegation propose to state them, in the simplest language, cannot fail to establish the importance of immediate and decisive action in relation to the important subjects which they involve.

1st. The junction canal will open at once to Philadelphia, the trade of the interior of Ohio, and of the Upper Lakes, from both of which it is now almost wholly debarred for the want of the means of communication. Any estimate of the importance of the Lake trade formed upon present data would be delusive, inasmuch as the Territories bordering upon them are of comparatively recent settlement, and they are just now rising into importance. It may be well to state, however, that the interior of Illinois is already reached through the waters of Erie, Huron and Michigan, and the contemplated chains of connexion with them by Canals and Rail Roads through that State, Indiana and Missouri, demonstrate with unanswerable force the necessity of a connecting line, uniting our improvements with Lake Erie, at the most advantageous point. Upon such a junction being effected, by means of an union with the Ohio Canal, the City of Philadelphia will enjoy the advantages of a communication with the lakes by a route at least one hundred miles shorter than from New York to the same point, and by a safer and more certain channel. To this valuable trade, there will also be a ready access at seasons of the year when the avenues of communication with our sister City are closed by the higher Northern latitude of her canals. From information derived by your delegates in their late journey, it appears that the harbor of Cleveland opens upon an average at least by the first of April, while that of Buffalo remains closed five or six weeks beyond this period. During this interval, there is an uninterrupted navigation of the South Western portion of Lake Erie, and at a season when it is of the first importance to the agriculturist that he should have an access to an Atlantic market for his produce, accumulated during the winter, and of equal importance to the merchant, that he should obtain his Spring supplies of goods. The causes of the later obstructions of the harbor of Buffalo, and consequently of the New York Canal, may be readily perceived from the fact that that port is situated nearly a degree and one half Northward of Cleveland and more especially from the formation of the Lake, which in consequence of its narrowing towards the Niagara river, causes an accumulation of the ice at that point, which is brought by the wind and current of the Lake from the upper waters of Superior, Huron and Michigan. The same superiority of relative position will accrue to our City in regard to a communication with the interior of Ohio, with this important additional fact: The evils of a delay of access to an Atlantic market are enhanced in proportion to the more Southern location of any section interested; inasmuch as in the case of all articles of a perishable nature, as are some of the chief staples of Ohio, the necessity is imperative, either of a risk of a total loss of property, or of an abandonment of some of the most profitable articles of production and export.

2d. It is a matter beyond all dispute, that the projected extension of our Canal communication to the Ohio improvements, will secure to us the means of retaining the trade of the southern portion of the Valley of the Mississippi, including the entire West, now supplied by means of the Ohio River; the loss of which must be expected to ensue, if prompt and vigorous measures are not at once adopted to open channels of conveyance of goods at the seasons of a low stage of water in the Ohio, which offers at present our only mode of conveyance from Pittsburgh. This imperfect supply of water occurs usually at the season of our most active fall trade, and although it is freely admitted that the communication is not always suspended, even during this season, yet the distressing uncertainty relating to it will, on the principles of common prudence, forbid a dependence on such a mode of transportation, when more certain channels are of easy access.

It appears to your delegation a consideration of prime importance, that our fellow citizens should be awake to the fact that the proposed junction is not a measure providing simply for greater convenience of transportation; nor one of mere enterprise, justifiable and praiseworthy, perhaps, other circumstances being favorable, for the enlargement of the sphere of our mercantile operations; but as a measure of necessity, of strict self defence, and indispensable to the retaining of the portion of the Western trade we now possess.

Whatever this trade is worth to the City of Philadelphia—whatever employments it gives to the industry of its mechanics, its artisans, and its merchants, it should enter into the estimate of the importance of an effort to retain it.

The disadvantages under which Philadelphia at present labors, for want of a certain communication with the West, would indeed be as gloomy as they are prominent, did we not possess the sure means of providing a remedy, which will not only supply our present deficiencies, but lead to the attainment of new and additional advantages.

From Philadelphia to Akron, the proposed point of junction with the Ohio Canal, the distance is less by about two hundred miles than from New York. The transportation of merchandise, unattended with the risk and delays incident to the Lake navigation; and finally, at a cost of conveyance less than by any other channel. Nor should it be regarded as a matter of inconsiderable importance that the proposed Canal insures a medium of communication between the East and the West available, alike in peace or war, and free from the exposure of passing the territories of a foreign power, possessing the whole Northern shore of Lake Erie.

It is proper to state the unanimous conviction of the Delegation, that any plan of communication will but imperfectly secure the anticipated advantages, which does not contemplate an unbroken communication from the western base of the Allegheny to the Ohio canal; and by that means avoiding the expense and delay of transshipments. This will involve the necessity of an extension of the Canal from Allegheny town to meet the excellent Beaver Canal already completed at Brighton, a distance of about twenty-eight miles, and which may be passed on a single level.

The promised advantages to be afforded by this Canal, are an entire connected communication from the City of Philadelphia, by the Columbia Rail Road, or by the Schuylkill, Union, or Pennsylvania Canals, to any Point on the Ohio Canal, and at all stages of the water to the Ohio River at Portsmouth, and to Lake Erie by Cleveland, to open to the citizens of Philadelphia a new and extensive trade to the States of Ohio, Indiana, Illinois, and Michigan, and present a communication to a market for the trade of the western part of Lake Erie a month earlier than it could be reached by any known channel; its further advantages would be an immediate increase, and at no distant day doubling the tolls of the

* See Reg. vol. xii. page 365.

Schuylkill, Union, and Pennsylvania Canals, from this immense trade passing along their shores.

The ways and means necessary to accomplish this desirable object, your Delegation leave to your respectable body to point out, as more properly belonging to them; but they cannot suffer themselves for one moment to believe that funds will be wanting to complete a work which is calculated to enhance the value of every house and lot in the City, and to augment to almost an incalculable degree, the commerce and wealth of every man engaged, either directly, or indirectly, in the prosperity of Philadelphia.

On motion of M. Newkirk, Esq. it was unanimously Resolved, That the report of the delegates to the Warren Convention be accepted, and published in the daily papers, and that one thousand copies be printed in pamphlet form, for the use of the Association, and citizens generally.

THOMAS P. COPE, President.

GEO. W. TOLAND, Secretary.

AMERICAN INSTITUTE OF LETTERS.

At a meeting of the *American Institute of Letters*, held on Friday evening, the 13th instant, it was on motion,

Resolved, That a Committee of three gentlemen be appointed to prepare an address to the public, setting forth the designs and objects of the "American Institute of Letters."

The Committee appointed to prepare an address to the public, setting forth the designs and objects of the "American Institute of Letters," respectfully beg leave to state—That they have long viewed with sincere regret, the unqualified vassalage of public opinion to *European* taste in matters of Literature, which has led to the depreciation of *American* talent, and *American* genius:—that as the offspring of a nation, celebrated for its love of Letters, and its liberal patronage of the Arts and Sciences, and have, as a people, with a more than filial devotion, read, admired, and approved the thousands and tens of thousands of volumes, which have emanated from *Europe*, as if every *foreign* production was necessarily the sublime achievement of genius, or the maximum of human wisdom: and while the Committee cannot but admire and approve the cosmopolitan liberality, which should ever characterize the Republic of Letters, they cannot but deeply regret, that in throwing off our political allegiance, we did not at the same time, throw that unlimited and anti-republican obedience to *foreign* dictation, in all affairs of Literature, which has so long and so generally prevailed.

That they are entirely satisfied, from a mature and careful consideration of the subject, that although abundant evidence has been already furnished of the power of *American* genius and talent, its achievements nevertheless have been neither so brilliant nor so lofty, as they might have been, had not a blind subservience to a *foreign* standard of taste banefully operated to prevent the proper degree of encouragement being extended to our native writers.

That deeply impressed with a conviction of this important truth, the members of the Institute resolved to form a *National Society of Letters*, believing that a reciprocal interchange of feelings and opinions among the members of the Literary Profession, widely scattered throughout the vast extent of our territory, would be productive of the most salutary results; not only in breaking the chains which have so long held in subjection the genius and talent of the country, but in giving such an impulse to both as would place us in proud and lofty competition with the most celebrated achievements of *European* intellect. That well aware that nothing so much tends to promote and extend intellectual exertion as a proper and adequate reward, they believe that all which is necessary to place the literary honor of the nation on the sublime pinnacle for which

she was evidently intended, as if the grandeur of her physical proportions were the prophetic emblem of her future gigantic intellectual grandeur, is to dissolve the slavery of opinion, which cherishes as *superior*, all which is *foreign*, and regards as *inferior*, all which is the production of *native* genius.

That many writers of our own country, whom nature has largely gifted with intellectual endowments of the highest order, have been permitted to pine unnoticed and unhonored, in obscurity, who, if their works had been properly appreciated, would have continued in the field of literary toil, from which they were compelled to recede by poverty and neglect; and who, with a proper appreciation of their claims, would have furnished such accessions to the literature of the country, as would have contributed largely to their own fame and the nation's honor. That they regard with feelings of pain and mortification, the discouraging fact, while the manual arts are patronized with so liberal a hand, that so small a share of encouragement should have been extended to native writers, in consequence of subservience to foreign taste: and while two or three instances of exception do but move the truth of the general rule, it is certain that in these few instances, the nation neither admired nor encouraged until called on to do so by the re-echoing voice of praise, emanating from foreign reviewers and mercenary journalists; thus attesting the deeply humiliating fact, that we have no such thing among us as a *National Literature*, and that to transatlantic critics we look for our taste, and to foreign writers for our reading matter.

That as Americans, jealous of their national honor, as natives proud of their birth place, and as citizens revering the republican institutions of their country, animated with the most sincere desire to behold the day arrive, when our own writers shall be properly appreciated and adequately rewarded, they have associated to accelerate the impulse which has already been commenced, assured that the time is past, when it was tauntingly said, "who reads an American book."

That while they are not unconscious that genius is from its very nature an isolation, moving in the orbit of its own abstraction, and cannot from causes uncontrollable by human agency, move embodied; they cannot cease to reflect, that its possessors, by reason of the constant effort of the mind, and the intensity of feeling involved in the prosecution of literary labors, are subject to many and various infirmities, from which the man of active physical labor is exempt—and also that the pursuits of literature, from the most satisfactory evidences, tend greatly to abridge the usual period of mortal existence.

That from this consideration of the case, it has to them appeared desirable, that a fund should be created to cheer the declining days of those who have worn themselves out in toiling at the desk, to advance the interests of the great human family—as well as to relieve the widows and children of such as may not have achieved a competency in the pursuit of letters.

That relying on the well known liberal and patriotic spirit of our fellow citizens, and believing our cause is emphatically the cause of the nation, both immediately and remotely interested in our anxious endeavors, we look with confidence to the smiles of its approbation in our efforts to establish a national and independent literature, and to elevate the literary genius of our countrymen.

They believe that such a change has been commenced, which, to ensure success to the cause, only requires to be prosecuted: that the day is not far distant when the genius of America, like her own national emblem, the eagle, will soar triumphantly through the fairy fields of imagination, bask in the sunshine of its own beautiful elysium, and dwell in the peace, the beauty, and the light of its own enduring creations.

All which is respectfully submitted.

On motion,

Resolved, That the report be adopted, signed by the President and Secretary, and published in the daily papers of the city.

DAVID PAUL BROWN, Pres't.

T. E. WARE, Secretary.

REPORT ON THE EXPEDIENCY OF ABOLISHING PUBLIC EXECUTIONS.

Read in House of Representatives Dec. 12, 1833.

Mr. Holcomb, from the committee on the Judiciary System, to whom the subject was referred, made the following REPORT:

Your committee have had under consideration the expediency of a law, changing the mode of executing persons convicted of murder in the first degree, and providing in future that the execution of the sentence shall take place in the prison yard.

It has not escaped the observation of your committee, that much attention has been directed of late to criminal jurisprudence, not only in our own Commonwealth, but throughout the Union, and in Europe; particularly in the character and description of the punishment, and the manner of inflicting it.

By a recurrence to the past, it would seem that the character of the criminal laws of a nation, both as to their administration, and the penalties imposed by them, usually bore some resemblance to the state of civilization, and the refinements of society; and hence, even in most European countries, the savage cruelties and inhuman tortures with which the vengeance of the law was formerly wreaked upon its victim, by means of the faggot, the rack, and almost every other form which ingenuity could invent, or cruelty practice, have been greatly modified, and in most instances, given way to milder penalties, and less ostentatious and disgusting modes of inflicting them.

In our own country, public opinion has demanded, looking probably as well to the effect upon the culprit as upon society, an almost total change in the system of punishment; and in nearly all the States, legislation has corresponded to this feeling, and brought about a thorough reform.

The penitentiary system, confinement at hard labor, has now almost invariably taken the place of whipping, cropping, branding, the stocks, and other like corporal punishments, which were intended, by the public manner of their execution, to operate as an example to deter others, as well as a disgraceful and severe punishment to the offender.

The objection to this mode of punishment, as intended to reclaim the offender, but more particularly, as it otherwise operated on the morals and feelings of society, has induced in this Commonwealth, long since, its entire abandonment.

The object of your committee, in referring to these facts, is to show, by a parity of reasoning, that the public mind is probably prepared to receive, or even ready to demand, a change in the mode of executing those convicted of murder in the first degree.

While such is the execution of the penal laws of this Commonwealth, with the exception of the one alluded to, that the public eye is spared alike all feelings of either disgust or pity, and the offender, while atoning his wrong to the community, is shut out from the public gaze, where he might either excite its sympathy, or provoke its taunts—while a perfect system, a regular uniformity, distinguishes our penal code as to all offences except one—that one is still allowed to exhibit, in the manner and publicity of its execution, a spectacle at once revolting and injurious to society; and attended with equally bad effects as regards the culprit himself, who often becomes the hero or the martyr of the scene.

Both the right and expediency of inflicting capital punishment, in any case, have been often questioned;

and there probably exists in this Commonwealth, a considerable party, both in number and respectability, who would be in favor of its total abolition.

Pennsylvania has already confined the punishment of death, under her penal code, to the single case of shedding man's blood; to the taking of life, with the intent at the time to kill. Wise lawgivers of all ages, have seldom questioned this right; and your committee would here explicitly add, that they are not among those who question either the right or the expediency, confined, as it is, in our statute book, to the single case of murder in the first degree.

Many of the objections with some of those who are in favor of a total abolition of capital punishment, as it now stands, are believed to grow out of the manner of executing the sentence, and which the change proposed by your committee would be calculated to obviate, and where the Jury, selected from among the people, are in a manner the judges of the law and the fact—and particularly, as in the case of murder in Pennsylvania, where the jury decide the question of *intent*, which determines whether the crime be one offence or another—murder in the first, or murder in the second degree—exercising, as a jury are likely to do here, a very general discretion, it is important that any objections to the consequences of their verdict, which do not interfere in substance with the infliction of the penalty, should be removed; since certainty and uniformity are of the very first importance in the administration of all laws, and more especially criminal laws.

The object of all punishment is, or should be, the prevention of crime; but while the legislator has this in view, he should be careful that the manner adopted of punishing one offence, does not work as great evils to society, though of a different description, as the original transgression itself; otherwise, much as society may suffer from the crime, the remedy must prove any thing but salutary.

It is impossible to have noticed the accounts of public executions, that have occurred within the last few months, in this and the neighboring States, and not be satisfied that the evils resulting from public executions are of the most serious character.

From the time the sentence of the law is pronounced, the felon becomes more or less an object of interest to all classes; particularly, as the period of his sentence draws nigh—a day that is to furnish a spectacle, attractive, it would seem, to all ages and sexes, for miles around. The wretch, who is all his life lived in obscurity, or, if known at all, notorious only for his crimes and vices, the companion of outlaws and felons—whose language is blasphemy, and his whole life a war upon society, its order, and its laws—the despised and condemned of all good men—becomes at once, by the part he is to act in the "gorgeous tragedy" of the execution, before the assembled intelligence and beauty of the country an object of the liveliest interest. The ministers of our holy religion crowd in numbers to his cell, and freely tender him his mercies; nor leave him, while hope of fortitude, or consolation, can be inspired, either to meet his fate here, or to enter into the presence of his God as a Christian. The gallows is occupied by the murderer to address the assembled multitude—often in appeals to their passions, endeavoring to excite their pity, by a confession and professed repentance of his crime, at the hardness of his fate—or enlist their sympathy by the bold assertion of his innocence, and denunciations against the cruelty of those laws of which he is the victim. The audience are often entertained with a sort of autobiography of the felon's life, in the shape of a confession; as in the case of Clough, lately executed in a neighboring State, for the murder of Mrs. Mary Hamilton, which was read from the gallows by one of the six clergy in attendance on him on that occasion; and which, we are told in the published account of the proceedings, "brought tears into the eyes of many." The military, for miles around, are

ordered out to give the pomp and circumstance of a parade to the occasion, as well as to preserve order. In short, every thing is done that is calculated to inspire fortitude or excite emulation, and change the haltered murderer into a hero or a victim, and the ignominious gallows into a pulpit or a theatre.

Such is the effect upon the murderer himself, an effect that cannot but set him above in a great measure (such is the constitution of human nature) any pain or ignominy, the execution of his sentence was calculated to inflict. Can the guilty wretch who has dyed his hands in a brother's blood, realize amidst the excitement of such a scene, either the horror of the crime he has committed, or the expiatory sacrifice of his life, which the laws require? The last day of his life, if he can believe the good men, who in their zeal in numbers press around him, is to prove the happiest of his life; and he is made sensible by the familiar looks of recognition from the crowd, and the warm salutations of all who are allowed to approach him, of what he could never before have dreamed, that he has become an object of interest to thousands, who shall read, and write, and speak of him when he is gone, and that his memory may after all stand a chance to live, as that of one in his life "more sinned against than sinning," and this, however wicked the crime, both by laws human and divine for which he suffers, however loudly the blood of his murdered victim "cries from the ground." While such is likely to be the effect upon the individual, the consequences to society, of a public execution are believed to be infinitely worse.

It is supposed by some, that the effect of a public execution, operates beneficially by example, in deterring others from crime, by the terror it inspires. But the answer is that so have not our lawgivers reasoned, in the punishment of all other offences in Pennsylvania; or have thought that any such supposed advantage was more than counterbalanced by other consequences following from a public exhibition; since imprisonment, under the regulations of our prisons, makes the punishment as to a large majority, as to all but those whose interest or duty induces them to seek admittance, private and unseen.

But again, as to the fact, independent of the practice under our system in all cases but murder in the first degree, and it is believed that the history of crime in those countries where capital punishment is inflicted in the greatest number of cases, and where consequently the example is most often furnished, that the conclusion from the effect to be produced from public executions will not follow.

The number of convictions for felonies in England which are punished capitally, and in public, and felonies which are not punished capitally, and some of which are punished by imprisonment, transportation, &c. will not be found, it is believed, very materially to vary; particularly when the facilities and security with which the different offences may be committed is kept in view; and it is fair to suppose, that any difference there may be, is rather to be found in the fact of the one being more severely punished than the other, than in any fear inspired, by having witnessed an execution.

One, it is believed, who had never been present at an execution, would be as likely to conceive impressions of the scene, as terrifying as would be left on the memory of another who may have witnessed it; the imagination, in such cases, generally doing full justice to the dark side of the picture. If witnessed but once, or but seldomed witnessed, it would be likely to excite pity for the victim, and horror and disgust at the scene; while, if frequently beheld, the prisoner would receive less and less commiseration, and from inspiring terror and disgust, such is the effect of habit, it might come to be regarded, if not as attractive as a Roman audience were wont to regard the fate of the dying Gladiator, yet with feelings that would show the nicest sensibilities of our nature had become blunted; and the effect, as

an able jurist has said reasoning on this subject, might even be found in the verdicts of our juries.

We trust indeed from the present state of society, of laws and religion, that the commission of that offence "against which the Almighty placed his canon, when He said 'thou shalt do no murder,'" will continue to be of rare occurrence; and the latter state of things, therefore, less likely to result than those alluded to above.

But can a community, composed of all classes, embracing the old and the young of both sexes, in a government so mild in its operations, that the good citizen may spend his life, may live and grow old, without ever once feeling a government existed, so far as the exertion of any immediate power over himself is concerned; in a country where religion inculcates its precepts of love and mercy—where the habits, customs, and even pastimes of the people, are all of a character opposed to every species of cruelty, to all exhibitions of sanguinary feelings, or scenes of blood and death—can such a people witness, at long intervals, perhaps but once in a life time, a fellow being launched into eternity—swung from a gallows with a halter round his neck—and not feel amazement, horror, and disgust! ! and not feel, too, we might suppose, in most instances, a consciousness that they had witnessed, through mere curiosity, a spectacle that no feeling and refined mind, no Christian and merciful being should seek out, at least from any less considerations than those of duty, in the execution of a judgment of the law of the land. Yet we know it is human nature—that the "curious will gaze, as the thirsty will drink, though the cup and the object be polluted;" and the fault, after all, alone remains with the government that presents such exhibitions to the public eye.

Often it happens, from accident or negligence, as in the case of Getter, that the first attempt proves unsuccessful, and the poor wretch half strangled, half stupefied, between dead and alive, mounts a second time the scaffold, amidst the awful and painful suspense that prevails among the multitude, with many of whom, before this slow torture has done its execution, its victim very naturally becomes an object of pity and deep commiseration.

In the published accounts of Getter's execution, which took place at Easton, or in its vicinity, on the eleventh of October last, it is said, "He had scarcely been raised three feet from the ground, when the rope broke and he fell. His face was uncovered, but he lay without life or motion for half a minute. . . . Even this terrible interlude in the solemn scene, which chilled the blood of almost every spectator, had no effect upon his iron nerves."—See Reg. vol. xii. p. 254.

Along with the evils resulting from the congregation of the thousands that resort to the place of execution, often from the distance of a day or two's ride, fifty or an hundred miles, and always, no doubt, including the whole number of pick-pockets and their associates within that circle, is the fact, that every species of vice and immorality is known to be practised, and that in the most public and notorious manner—almost under the gallows. The following extract in reference to the execution of Joel Clough, before referred to, which occurred at Mount Holly, in the State of New Jersey, on the 26th of July last, is taken from the account that appeared the following day in one of the Philadelphia papers, and was penned by the editor who was himself on the spot. Whether, had the execution taken place on this side of the Delaware, the picture would have been softened, or materially altered in its main features, it is unnecessary for us to conjecture. Your committee fear that it would not—it probably would but too faithfully describe the scene, in the particulars for which it is cited, in whatever part of the Union it might have transpired.

"Upwards of twelve thousand persons were present at an early hour: the roads leading to the ground were

filled with the curious, hastening forward on foot, and in vehicles of every description. About one-third of the spectators were women and children. The neighboring woods and roads sides were lined with booths, where the usual exhibitions of drinking, gambling, &c. were presented to the eye."

The extract is continued as supporting the suggestions thrown out by your committee, in the former part of their report.

"At twenty minutes before one o'clock, a hollow square was formed round the gallows, by a battalion of infantry, consisting of four or five hundred men, and at half past one the miserable criminal appeared. He was seated in a dearborn, and accompanied by the Sheriff, the Rev. Messrs. Willmer, Moorhouse, Ashton, Rud, Sheppard, and other gentlemen; the whole under an escort of a troop of cavalry. He seated himself, and the Rev. Mr. Willmer read aloud his confession, of which so much has been said—his farewell, and a letter to his aged and bereft mother, and which produced a painful sensation. The awful scene and the melting pathos of the epistle combined, brought tears into the eyes of many—an occurrence not common on the execution ground."

The loss of time and money, the interruption to business, and the almost total disorganization of all pursuits in the immediate neighborhood of the scene, are serious evils, and would be removed by the proposed change. In the case of Smith, who was executed in Philadelphia in the summer of 1816, it was estimated that there were thirty thousand persons present, and at a moderate estimate it was probably at a loss of as many thousand dollars, in time and money and its consequences, to the Commonwealth or its citizens; or a sum that would have schooled two thousand youths four years, giving them the rudiments of an English education—and thirty thousand on an average annually, perhaps, would not make up the pecuniary consequences of the punishment of this one offence. Expense in the administration of the laws, whether resulting directly or indirectly, whether taken from the Commonwealth or the pocket of the citizen, is not, certainly, to be thought of in comparison with affording security to human life. But if the views and reasoning of your committee be correct, the remedy, with the change proposed, will be as complete as it now is, and the saving of time and money incident to it, among the advantages that would follow. In this point of view it is worthy of consideration.

But your committee cannot lose sight of the fact, that this horrid spectacle is the only one left to shock the public eye—when public opinion and legislation have abolished all other exhibitions of the disgrace and suffering of the sentenced criminal. The innocent wish neither to hear the sighs nor to behold the tears of the guilty, who has offended the laws of a just government. It is right that he should suffer. Let his punishment be as private as his crime; and while this very privacy, it is believed, will hold out more terror to the offender himself, the public, who have already suffered their share, will be spared the farther evils resulting from a public execution.

It will be seen by the bill reported by your committee, that it provides that the execution shall take place within the yard or walls of the jail of the county in which the prisoner shall have been convicted, in the presence of the Sheriff or Coroner, and one or more of the Judges of the court by which he was tried; and, at the request of the criminal, such ministers of the Gospel, not exceeding two, as he may name, and such of his immediate relations as may choose to attend. After the execution, the Sheriff or Coroner shall make oath or affirmation, that he proceeded to execute the criminal, at the time designated by the court, in the presence of the said Judge or Judges, and the Judge or Judges shall certify to the facts contained in such return, which shall be filed in the Clerk's office of the court of Oyer

and Terminer; and a copy of such return shall be published in two or more newspapers, one at least to be printed in the county.

These provisions are calculated to obviate any objections to too great secrecy, and at the same time to satisfy the public, in the most authentic manner, that the judgment of the law has been complied with.

From the Philadelphia Gazette.

LIBRARY AND READING ROOM OF THE N. L.

The fourth annual meeting of the Library and Reading Room Company of the Northern Liberties, was held at their Hall, on the 8th inst. The president, Mr. Joseph Trotter, was in the chair. Agreeably to the constitution of the company, the directors made the annual report of their proceedings for the past year—by which it appeared that the receipts of the year were \$700; of which sum \$234 were expended in books, papers, and periodicals, and the remainder appropriated for the incidental expenses of the institution. The number of volumes added to the Library since the last annual report, about 300. The present number of stockholders about 200, besides the annual subscribers.

The directors in the report complain, that the Library has not met with the encouragement during the past year that its importance demands, and warmly recommend it to the attention and patronage of the citizens of the district. They consider the cause of their institution as the cause of education, and call upon the citizens to sustain it, if not for immediate personal advantages, at least as a means of inculcating a taste for literature and science, and exalting the moral and intellectual character of the present and succeeding generations.

They also recommend Public Lectures, upon suitable subjects; to be delivered under the auspices of the Company. These, delivered by qualified Lecturers, they consider not only as an efficient means of instruction, but as awakening the public to the importance of knowledge; exciting an interest in the advancement of the Library; and at the same time, proving a fruitful source of its revenue. For this purpose, they have leased the spacious room immediately over the Hall, and have made arrangements with a Lecturer of distinguished ability—to deliver lectures during the present winter.

In conclusion, the directors state, "that the Library consists of about 2500 well selected volumes. And there is daily received in our room, newspapers from most of the principal cities of the union—and a large number of periodicals. In addition to these, the company has an extensive collection of minerals, and geological specimens, scientifically arranged in neat and convenient cases, presenting to the students of mineralogy and geology, the most ample means of prosecuting the study of these sciences. To our large and commodious library room, we have joined a lecture room, as ample in its dimensions as it is convenient in its structure; and we have no hesitation in saying, that there is no Library in our state, that has laid the foundation of more permanent durability, or has greater prospects of more extended usefulness."

The Company then went into an election for fifteen Directors, to serve for the ensuing year, when the following named gentlemen were duly elected:—

Joseph Trotter,	Samuel Megarge,
Samuel Townsend,	Dr. Charles Noble,
Peter A. Keyser,	John Taylor,
Charles Naylor,	Isaac Pugh,
Benjamin Matthias,	George Benners,
Dr. J. A. Elkinton,	Charles J. Sutter,
R. V. Massey,	Joseph Reakert,
	Charles Keen.

The following resolutions were then offered and unanimously adopted:—

Resolved, That Libraries and Reading Rooms, in in-

creasing the means of acquiring useful information, by which the human mind is enlarged, the judgment improved, and the intellect cultivated, exert a most salutary influence upon society at large, and ought to be encouraged and efficiently sustained, by all who desire to promote the great cause of General Education.

Resolved, That the members of the N. L. Library and Reading Room, aware of the force of united exertion, will use every effort, during the ensuing year, for an extension of the advantages of their Society, among a larger portion of their fellow citizens.

THE WEST BRANCH.

"LEWISBURG, UNION CO. Oct. 25.

"A man who has not been in the Valley of the West Branch, knows little of the beauty and fertility of Pennsylvania. It was my lot to spend the earlier days of my life in this region; but years have rolled away, and my feet have wandered over many and distant lands since it ceased to be my home. Then it was comparatively a wilderness—now it is highly cultivated and well improved. The log hut of the first settler has given way to the stately farm house of the 'old resident,' and the 'rude hamlets' have been lost in beautiful and thriving villages.

"I wandered up the Juniata, by Lewistown, and crossing the 'seven mountains,' by a good turnpike, soon found myself at Bellfonte, where I spent a day, looking at the 'beautiful spring,' and the flourishing manufactories which are propelled by its current. I have seen many of the most extensive water powers in the Union, but none to compare with this. It rises a short distance above the town, and has in the distance of perhaps a mile and a half, a fall of more than a hundred feet. There are already erected on it a paper mill, an axe factory, and several extensive rolling and slitting mills, and furnaces. The water is as 'clear as crystal,' and being of higher temperature than the air never freezes; so that the machinery is never stopped by the coldest weather. The town is built on the summit of a hill, and surrounded by mountains, and in entering it or leaving it you are therefore compelled to ascend or descend. The buildings are very good, principally of stone, and it is altogether a pleasant and romantic spot. Its water power and the iron ore of the neighborhood will some day make it a rich and large town. Leaving Bellfonte, I passed down the Bald Eagle, and had a view of the forges, furnaces, and rolling mills of Messrs. Irwin, Curtus, Hepburn, Kinne, &c., making together the most extensive establishments in the Union. I know no place where a few days could be more profitably employed than Centre county. Its iron establishments are the finest in the country, and yet its great wealth is known to but few at a distance because the people of the seaboard prefer making excursions to New York, where the citizens make the most of every thing.

"I entered this valley, (the West Branch) a short distance above Dummstown, in the neighborhood of the "Big Dam," and near the coal region. This dam, you are aware, is at the head of canal navigation, and its height, location, &c. have made no little noise in the newspapers. Some say its location is judicious—others hold a contrary opinion, and even charge the Canal Commissioners with improper motives in fixing its site. Looking at the dam, as it stands, I cannot help believing that there was some wisdom in placing it where it is. The iron of Bald Eagle, the wheat of Nittany and Brush Valleys, and the Coal of Centre and Clearfield must supply the canal with business; and the termination, by the present arrangement, will accommodate all those interests. If it had been higher up the river or further down, some of them could not have used the canal. It is taken for granted, that no future appropriations will be made for extensions of the canal, and with that fact before them, the Canal Commission-

ers acted well, in subjecting themselves to some individual censure, for the purpose of securing the general good. They have only undergone what hundreds of good public agents have received before them, viz.—'more kicks than coppers.'

"Immediately above the dam on the southern side, a town has just been laid out by the Messrs. Church's, which must soon rise into importance. The whole trade of all the fine valleys, commencing at the dividing ridge between the Juniata and Susquehanna, must find an outlet at this new town, called Lockhaven, and there take the canal for market. It is at the 'head of navigation,' in the midst of iron, coal, and wheat, the great staples of Pennsylvania. I rode along the base of the mountains, up to the Boston Coal Company's works, where I saw some thousand tons of the best quality bituminous coal ready to take the canal as soon as it is completed, for the east. Gliding down the river in a canoe, the precise spot where the coal ceases is designated by the position of the rocks. On the western summit they exist in horizontal layers—on the east the rocks dip at a greater or less angle, to the N. E. After the horizontal position terminates, there is no more coal; but, as if to compensate for the loss of this treasure, immediately after the coal lands cease, the fertile alluvials commence. The distance from this point to Northumberland, where the valley terminates, is about seventy miles, and for fertility of soil, beauty of improvements, and grandeur of scenery, is not surpassed in America. At Piatt's, on the summit of the White Deer mountain, you have a full view of the valley in nearly its whole extent. As far as the eye can extend up and down the river, is one beautiful natural panorama, composed of fertile fields, substantial farm houses, and thriving villages—with enough of mountain and canal and river, to mellow the picture. In looking at this scene, I wondered that our citizens who travel for recreation, should neglect the Susquehanna. But the people of Philadelphia imagine the country west of Lancaster a howling wilderness, and its inhabitants wild men of the forest, who know nothing of the comforts of life. To such I say, come and try the *Trout* and *Venison* of Joe Hall, and the roast beef and *Pheasants* of Dr. Forse. Either of whom will enable them to enjoy a glass of generous Madeira or mellow Claret.

"Lewisburg—or Derristown, as it was called in the olden time—is one of the most thriving villages in the interior of Pennsylvania. It has the appearance and bustle of a city in miniature. Within the last four years there have been erected about one hundred and fifty houses, most of them large brick edifices, whose style would do credit to any place. It contains three handsome churches, and the principal street is MacAdamised. It is situated at the mouth of Buffalo Valley, and is the market town for that and Penn's Valley. It lies on the southern side of the Susquehanna, and is connected with the canal on the other side by a dam and cross cut, made by the state. The dam has just been completed by a Mr. Cameron, of this town, under the direction of Mr. Fries, the engineer, and Mr. Parsons, the superintendent. I mention the names of all concerned, because I have been struck with the extraordinary degree of energy and skill which has been employed in erecting it. The river is here, I should think, about 1500 feet wide; the dam is six feet high from the bottom, and has a base of forty feet; and the whole was completed in about five weeks. I am sure that no work of its magnitude has ever been completed in this country in the same time; and I should think, from its apparent strength, that it will stand in defiance of the freshets and floods of ages.

"I write in haste, while mine host is recounting the changes of years that are gone by, and I can only add, if you want to enjoy a week pleasantly and rationally, come to the Valley of the West Branch.

Yours, &c."

GIRARD COLLEGE.

The following report of the architect of the Girard College, detailing the progress of the work on that building, was submitted to Councils, at the stated meeting, on Thursday last.

To the Building Committee of Girard College.

Gentlemen—In compliance with your resolution directing me to prepare a drawing of the College, together with a report of the state of the works, I have made a perspective view, exhibiting the appearance the building will present when finished;—this drawing, together, with the following report, is respectfully submitted.

We have already progressed so far with the work as to be prepared to commence setting marble in the spring.

The outside cellar walls of the house are completed to the height of the floor of the Portico, the walls above this are to be faced with marble.

The interior walls are nearly all as high as those of the outside, and are prepared to receive the arches;—it was thought inexpedient to construct any of the arches this season, in order that the heavy expense of making a temporary roof over the whole building might be avoided,—the materials are on the land both for the centering and the arches, and they will be constructed early in the ensuing spring.

The walls for the support of the Porticoes are raised to the proper height for receiving the columns, with the exception of an opening left for convenience, in conveying materials into the building for the interior walls.

The edifice is now about ten feet above, and six feet below the present surface of the ground, making the whole height of the stone work, about 16 feet above the foundation.

The walls are all securely covered with straw, and roofed with rough boards to protect them from injury by frost, during the winter.

The old mansion house having been found to occupy the most eligible situation for the College, it was taken down, and a new farm house built of the old materials; this house is situated about 300 yards west of the College, and is intended to be rented to some good farmer, for the purpose of having that part of the farm not occupied by the College buildings, brought under a state of culture.

This farm house is forty feet front, by eighteen feet deep, and two stories high, having a kitchen attached thereto;—the plastering is all finished, and the carpenter's work is in such a state of forwardness as to admit of the house being prepared for a tenant by the first of March next.

Contracts have been entered into, on very advantageous terms, for all the marble required in the construction of the College, with the following gentlemen:

Messrs. Jacobs & Cornog,
Davis Henderson,
John Brooks, and
John M. Davis, & Co.

The quarries belonging to these gentlemen are all in the state of Pennsylvania, and within 26 miles of Philadelphia;—they have been actively employed in furnishing marble under their respective contracts, during the last four months,—the quality of that already delivered is very superior.

The stone cutters' work, thus far, merits approbation.

The following materials, not yet made use of in the building, are now on the ground:

3000 superficial feet of ashlar, finished,
2500 do. do. do. sawed,

4286 cubic feet of unwrought marble in blocks, suitable for capitals, bases, and architraves, for the exterior Porticoes; and ashlar for the building, making in all 9816 feet of marble, wrought and unwrought now on the land.

Several of these blocks have been sawed and prepared for capitals and bases of columns, and carvers are now employed on three of said blocks.

All the lumber for the centering for the cellar story of arches, has been cut to order, and delivered on the premises.

About 30,000 feet of common boards for sheathing the centries have also been obtained, and used for the temporary roof on the walls.

The rest of the lumber on the land amounts to about 65,000 feet, the principal part of this is plank for scaffolding.

We have also 375,000 paving bricks, reserved for constructing the arches.

A large quantity of river sand has been obtained in consequence of the difficulty of procuring that article in the spring.

The whole amount of money expended since the commencement of the work, is \$69,996.

The materials and workmanship that remain unpaid for, amounts to about \$9,000.

There has been erected on the premises for the accommodation of the workmen, a blacksmith's shop, a carpenter's shop, two stonecutters' shops, a carver's shop, and two sheds for the stone cutters.

All the contracts have thus far been faithfully executed, and the contractors have given general satisfaction.

I am, gentlemen, very respectfully, your obt. serv^t
THOS. U. WALTER, Arch^t.

Girard College, Dec. 23, 1833.

To John Gilder, Esq.

Chairman of Building Committee,

Girard College for Orphans.

BAR MEETING.

At a meeting of the members of the Pittsburgh Bar, held at the court house, on Saturday, the 16th Nov., A. W. FOSTER, Esq., in the chair, and R. Burke, Secretary—the following resolutions proposed by W. W. Fetterman, Esq., were *unanimously* adopted:

1. Resolved, That the speedy determination, by the Supreme Court, of the business pending before them, is a matter of great public importance, and the delay that has occurred an evil of great magnitude.

2. Resolved, That the labor now imposed on that Court of holding circuit Courts, in addition to the terms of the Supreme Court in Bank, is so great as to require their constant attention in Court, and deprives them of sufficient time to consider and ably decide the causes that come before them in Bank.

3. Resolved, That we have found Circuit Courts inexpedient in practice, and of no possible benefit, and that they ought, therefore, in our opinion, to be abolished.

4. Resolved, That our members in the next Legislature, be instructed to procure immediately, the passage of a law abolishing Circuit Courts, at least within the county of Allegheny; and providing that all causes, now pending in the Circuit Court of said county of Allegheny, be transferred to the District Court or Court of Common Pleas of said county, at the option of the parties, respectively, by whom they were removed to the Circuit Court.

5. Resolved, That the increase of business in the Supreme Court, for the Western District of Pennsylvania, is so great as to preclude the possibility of a case being decided sooner than three years; that it amounts to a complete denial of justice, and, in fact, repeals an important provision in our bill of rights.

And whereas, it appears, by the printed statement

of the receipts and expenditures of the State of Pennsylvania, for the year one thousand eight hundred and thirty-two, that the tax paid in that year, for writs of error, by the Prothonotary of the Supreme Court for the Western District, is two hundred and sixty-one dollars and forty-one cents; and the tax paid in the Middle District, is one hundred and ninety dollars; and the tax paid in the Lancaster District, is one hundred and eight dollars and sixty-four cents; and the tax paid in the Eastern District is one hundred and sixty-five dollars and eighty-six cents—and whereas the Supreme Court sits in Bank, in the three last mentioned Districts, fifteen weeks in the year, and in the Western District, only four weeks—and whereas, the business of the Western District, requires a term of at least eight weeks, to dispose of the accumulating and current business in the Supreme Court for that District—and whereas, justice should be equally rendered to all the citizens of the Commonwealth:

Therefore, Resolved, That the next Legislature be requested to pass a law so organizing the Districts of the Supreme Court, as to make the term of the Supreme Court, for the Western District, commence on the first Monday of September, in each year, and continue during eight weeks, or until all the business pending should be disposed of—and also, that the first three weeks of the term should, in consequence of the vast accumulation of business in the Fifth Judicial District of the Common Pleas, be allotted to the cases from that District.

And whereas, it is a matter of great importance to the whole community, that the law should be certain, and, when certain, known: and, therefore, it is important that a full and accurate report of all the discussions of the Supreme Court should be made by a competent reporter as soon as possible—Therefore,

Resolved, That our Legislature be requested to pass a law for the appointment of a State Reporter, whose duty it shall be to report all the decisions of the Supreme Court in each year; and who shall receive for his services a salary, to be paid out of the tax paid on writs of error.

Resolved, That a copy of these proceedings be given to the members of the Legislature for this county, in order that they may be laid before the Legislature at the commencement of the session.

Resolved, That we recommend the subject of the abolition of the Circuit Court to the consideration of our brethren of bar the throughout the State.

On motion, it was

Resolved, That the proceedings of this meeting be signed by the chairman and secretary, and published in all the papers of this city.

A. W. FOSTER, Chairman.

Attest—ROBT BURKE, Secretary.

DELAWARE COUNTY—PENN.

This county was separated or divided off from Chester county in 1789. It was upon the shores of the Delaware in this county, that William Penn, the founder of this great Commonwealth, first landed, and Chester was destined by him at that time for the great city. It is pleasantly located, and most salubriously situated, bounded by the river Delaware on the east, Philadelphia, Montgomery, and Chester counties on the north and west, and by the State of Delaware on the south. The excellency of its soil is not surpassed by any in the State. It is well watered by numerous creeks running in every direction through it. The principal of which are Chester, Darby, Cruin, Ridley, Muckinpat, Cobb, Marcus Hook, and Pinen creeks. The county is 16 miles in length, and 13 in breadth. Numerous towns and villages are spread over this extent. The chief of which is Chester, the seat of justice, about 15 miles from Philadelphia, which contains about 150 houses and

1000 inhabitants—Darby 75 houses and about 500 inhabitants—Village Green, Marcus Hook, Concordville, Leiperville, Howlville, and Shoemakerville, (a new and flourishing village.) The county is divided into 21 townships. It contains about 18,000 inhabitants, who are industrious, frugal, and temperate.

The manufactories are very numerous in the county. They are of very considerable advantage to the county and one source of its wealth. Another great source of the wealth of this county and its consequent prosperity is, its inexhaustible quarries of stone. Since that great public work, the Delaware Breakwater has been progressing, immense quantities of stone have been sent from this county to that work; averaging nearly 100,000 tons per year, yielding to the county of Delaware from 150 to 200,000 dollars per annum.

15 Cotton Factories in the County, 38 Flour Mills, 56 Saw Mills, 6 Rolling and Slitting Mills, 18 Woolen Factories, 10 Paper Mills, 2 Powder Mills, 1 Nail Factory, 4 Tilt Blade and Edge Tool Manufactories, 1 Power Loom Factory, 2 Oil Mills, 1 Machine Factory, 5 Snuff Mills, 2 Plaster or Gypsum Mills, 3 Clover Mills, 3 Bark Mills, 1 Mill for sawing stone, and about 40 unimproved mill seats. Employs about 1500 hands—Capital invested about \$2,000,000.

There are about 60 schools, 25 places of Public Worship, 10 of which belong to the Quakers, and 4 to the Episcopalians. There are 6 Clergymen, 9 Lawyers, and 20 Physicians, 2 Newspapers are published in the County, 14 or 15 Post Offices, 5 or 6 Public Libraries, a Bank, an Athenæum, and a College recently established by the Haverford Association of Friends.

53 Stores, and 44 Taverns in the County; a Court House, Public Offices and Jail, and a House for the employment of the Poor.

The Farmers of Delaware county, are thrifty, honest, and well informed; the manufacturers are indefatigable, persevering, and intelligent; and the mechanics are industrious, capable, and temperate.—*Upland Union.*

AN ORDINANCE FOR ESTABLISHING AN EFFECTIVE POLICE.

Section 1. Be it ordained and enacted by the Citizens of Philadelphia, in Select and Common Councils assembled, That to provide more effectually for the security of the persons and property of the inhabitants of the City of Philadelphia, by a competent police, including a sufficient number of watchmen really suited to the purpose, agreeably to the second clause of the twenty-fourth article of the Will of the late Stephen Girard, the City of Philadelphia shall be divided, for the purpose of the police, into four principal divisions, as nearly equal as may be, having reference to territory and population; and there shall be one captain of City police; and for each division there shall be appointed a lieutenant of the City Police; and that the said lieutenants respectively shall have the command of all persons belonging to the police within their division.

Section 2. And be it further ordained and enacted by the authority aforesaid, That each principal division shall be again divided, as equally as may be found convenient, into three sections; and that for each section, there shall be appointed an inspector of police, who shall have the control of all the policemen and watchmen within his section, subject to the direction and supervision of the proper lieutenant.

Section 3. And be it further ordained and enacted by the authority aforesaid, That there shall be appointed twenty-four policemen, for the preservation of the peace and faithful execution of the laws during the day and evening; and one hundred and twenty watchmen, who shall perform the duty of watching and fighting their respective sections, under the direction of the captain, lieutenants, and inspectors, as the mayor shall arrange and direct.

Section 4. And be it further ordained and enacted by the authority aforesaid, That the captain, and every lieutenant, inspector, policeman, and watchman, provided for by this Ordinance, shall be appointed by the mayor of the City, and shall be removable at his pleasure; that the said captain, lieutenants, inspectors, and policemen, shall be subject at all times to the orders of the mayor, or in case of his absence or inability to act, to those of the recorder, or any alderman, acting for the mayor.

Section 5. And be it further ordained and enacted by the authority aforesaid, That the captain and every lieutenant, inspector, policeman and watchman, provided for by this Ordinance, shall have all the powers and authorities to maintain the public peace, which any constable of the City can have at common law, or by any act of assembly of this commonwealth, and also, shall have the powers and be liable to perform the duties which, by the common law, or by any act of assembly of this commonwealth, or by any Ordinance of the City, are now vested in, or required of the watchmen of the said City; and further, shall do and perform the several duties enumerated in the second section of the Ordinance, entitled, "An Ordinance for the appointment of a High Constable of the City of Philadelphia, and prescribing his duties," (except so much thereof as relates to the registering of chimney sweepers,) subject nevertheless, to the regulations for the government of the police hereinafter provided for.

Section 6. And be it further ordained and enacted by the authority aforesaid, That at a convenient point in each section, there shall be a suitable watch-house, under the care of the proper inspector, at which prisoners may be received and detained, and where at proper times, the watchmen of the section shall be mustered and inspected, by the captain of the City police, or the lieutenant of the respective division.

Section 7. And be it further ordained and enacted by the authority aforesaid, That the night watch, at all seasons of the year, shall commence at such hours as the mayor shall direct in the evening, and end with broad daylight in the morning. That during the night watch, one half of the watchmen at least, shall be on duty upon each section, being relieved at such intervals as the regulations hereinafter provided for may direct: that no watchman while so on duty, shall leave his section, unless in cases permitted by such regulations; that during such night watch all watchmen not on duty in their respective sections, shall, unless otherwise expressly ordered, remain at the station of the proper section, and shall be subject to perform such other duties as the regulations aforesaid may require, and that no temporary substitute for an absent watchman shall in any case be allowed to perform this duty without leave of the mayor or captain of the city Police.

Section 8. And be it further ordained and enacted by the authority aforesaid, That two policemen shall be assigned to each section, whose services shall commence when the watchmen go off in the morning, and continue until they commence duty at night, and who shall, in their respective stations, preserve order, maintain the peace, and render such assistance as the citizens may require—the details of which service during the day and evening, shall be determined by the regulations hereinafter provided for.

Section 9. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the captain and of each lieutenant and inspector, to exercise a constant supervision over the conduct of their respective policemen and watchmen, promptly and impartially to report all delinquencies, and from time to time to communicate to the mayor, such information respecting the police of the City, as he may require.

Section 10. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of

the captain and every lieutenant, inspector, policeman, and watchman, to devote such of his time to the public service, and in matters relating to that service, as the mayor may think necessary to require;—to be at the disposal of his proper superior at all hours of the day and night;—that they shall claim no fees or costs whatsoever, nor accept any gratuity from any individual whom they may arrest, or who may be subject to their power.

Section 11. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the mayor, as far as may be practicable and consistent with the public good, to supply all vacancies in the offices of inspector and lieutenant, by promoting those who have distinguished themselves by diligence, integrity, and skill, in an inferior grade.

Section 12. And be it further ordained and enacted by the authority aforesaid, That the mayor of the City shall appoint a competent person to be clerk of police, who shall be removable at his pleasure, shall aid the mayor in carrying into effect the foregoing provisions, and shall also act as clerk to the mayor.

Section 13. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the mayor and recorder of the city, to divide the city into divisions, sections and beats according to the true intent and meaning of this Ordinance, to fix and procure the necessary watch-houses and sections stations, to make regulations for the government of the police in the details of their duty, to designate their badges and insignia, and to direct the mode in which they shall attend to the lighting of the city; and, any suitable property, devised to the city, by the late Stephen Girard, or otherwise owned by it, may be appropriated as watch-houses, or sections stations, with the approbation of the commissioners of the Girard Estates.

Section 14. And be it further ordained and enacted by the authority aforesaid, That the captain and lieutenants of the city police, shall perform the same duties in reference to the care and distribution of oil, for lighting the city, as are now performed by the captain and lieutenant of the nightly watch.

Section 15. And be it further ordained and enacted by the authority aforesaid, That the salary of the captain of the city police shall be \$50 per month;—the salary of each lieutenant, \$40 per month;—the compensation of each inspector, \$35 per month;—the compensation of each policeman \$30 per month;—the compensation of each watchman, \$28 per month;—and the salary of the clerk of police, shall be \$600 per year, payable monthly.

Section 16. And be it further ordained and enacted by the authority aforesaid, That all fees or costs to which any individual of the police is or may be by law entitled, shall be received by the clerk of police, and shall be deposited in a suitable bank, under the directions of the mayor,—and that the mayor be authorized, at such times as he shall deem proper, to divide the same among the several policemen and watchmen, who shall have distinguished themselves by their good conduct. Provided, that the amount so given to any policeman or watchman, shall not exceed five dollars in any one month.

Section 17. And be it further ordained and enacted by the authority aforesaid, That the mayor be authorized to appoint four additional policemen, who shall have the same powers and receive the same compensation as are hereinbefore given to the regular police, and whose especial duty it shall be to attend at the mayor's office, and perform such duties as he may require.

Section 18. And be it further ordained and enacted by the authority aforesaid, That from and after the first day of January, 1834, the salaries of the officers and men, of two districts; that is, two lieutenants, six inspectors, twelve policemen, and sixty watchmen, shall be paid from the income of the residue of the Girard Es-

tates, and there shall be appropriated and set apart, the sum of 27,960 dollars from the income of the fund provided and formed under the said twenty-fourth article of the said Will, so long as there shall so much remain after providing for objects having a priority of claim under the said Will, towards meeting the expenditure caused by the carrying into effect the provisions of this ordinance, which sum shall be drawn from time to time, as the said wages may become due, by an order from the mayor of the city upon the treasurer of the Girard Estates;—and the remainder of the salaries—that is, one captain, two lieutenants, six inspectors, sixteen policemen, sixty watchmen, and the clerk; together with the rent of the section stations, and other expenses, shall be paid from the city treasury, in the usual manner.

Section 19. And be it further ordained and enacted by the authority aforesaid, That it shall be the duty of the City Commissioners, under the direction of "the Joint Standing Committee on Lighting and Watching," to make all the necessary arrangements and contracts for the annual supply of oil, and to provide suitable depositories therefor, with the proper means of preventing leakage and waste and they shall provide for the lighting and watching of the Market Houses, Public Squares, City Hall and State House.

Section 20. And be it further ordained and enacted by the authority aforesaid, That this Ordinance shall take effect, and go into operation, from and after the first day of January next;—and that from and after that time, so much of any former Ordinance as provides for the appointment and compensation of a captain and lieutenant of the nightly watch—or for the appointment and compensation of watchmen for the City,—and the Ordinance passed the twenty-third day of December, 1830, entitled, "An Ordinance providing for the appointment of additional police officers by the mayor, and for other purposes," together with all Ordinances and parts of ordinances hereby supplied, be and the same are hereby repealed.

Enacted into an Ordinance, in the city of Philadelphia, this twenty-sixth day of December, in the year of our Lord, one thousand eight hundred and thirty-three.

HENRY TROTH,
President of Common Council.
J. R. INGERSOLL,
President of the Select Council.

Attest—ROBERT HARE, Jr. Clerk of Common Council.

PRESENTMENT OF THE GRAND JURY.

In the Court of Quarter Sessions in the County of Philadelphia.

DECEMBER 16, 1833.

The Grand Jury made the following presentment.
To the Honourable the Judges of the Court of Quarter Sessions.

The Grand Inquest for the County of Philadelphia, respectfully represent,

That they have acted during the present session on 126 Bills, founded on accusations against individuals for larcenies, fraudulent insolvency, riots, assault and batteries, tipping houses and misdemeanors.

They have viewed and decided the sites for two bridges to be erected over Cobb's Creek, the boundary line between Kingsessing township in the said county, and Upper Darby township in the county of Delaware, the expenses attending the erection of which, to be equally borne by both counties.

They have visited the Prisons on Walnut and Arch streets, and regret that in the latter, owing to the want of separate apartments for the whites and blacks, a place to be appropriated for the reception of apprentices

charged with a breach of their indentures, and a room exclusively for debtors, there still exist the same causes of complaint which have been repeatedly reiterated by former Grand Juries. They look with confidence however, for adequate remedies for these evils, when the new prison now erecting in Moyamensing township shall be completed.

They visited the House of Refuge, and unite in the merited eulogium it has received for the good order and discipline exhibited by its inmates, and the important advantages presented for their future happiness and welfare.

The Grand Inquest further represent, that they consider the intimation of the President of the Court, given in his brief and excellent charge, that an act of Assembly was passed at the last session of the Legislature of Pennsylvania, excluding the Grand Juries of the counties of Philadelphia and Allegheny from visitations to their respective Penitentiaries, entitled to special notice. The unfortunate and guilty who, in consequence of violating the laws, are restrained of their liberty and doomed to a prison, have rights; and an important duty of Grand Juries is, at stated periods, to visit their wretched abodes, protect them from oppression or improper or cruel treatment, and to witness the due but humane execution of the laws. By an act of Assembly, passed 1729, it is made the duty of the Judges of the Court of Oyer and Terminer and Quarter Sessions, expressly to give it in charge to the Grand Jury to inquire concerning certain matters to be performed by the jailors or keepers of the prisons. This was a special direction given to grand juries, and could only be pursued by a personal visitation to their respective prisons, and was connected with the general and usual visitatorial powers with which they had been previously vested. Their duty requires them not only to inquire into the state and condition of prisoners, but also into the public safety, as regards the security of the prisoners themselves. Suggestions no doubt in relation to the improvement of prison discipline, have emanated from grand juries, and been productive of beneficial consequences. Is it a safe and wise policy to restrict grand juries from their heretofore accustomed and general visitations of Prisons? The public safety is an important object of their attention, and they are to inquire into any cause of danger to be apprehended from the escape or rescue of prisoners. It is an extraordinary circumstance in the act of Assembly, that the grand jury of the county of Philadelphia are prohibited from visiting the Eastern Penitentiary, while the right of the grand jury of the city of Philadelphia is retained.

The Grand Jury would therefore, under the preceding circumstances, respectfully recommend to the Legislature of Pennsylvania a repeal of the above act of Assembly, so that the grand juries excluded from visiting their respective penitentiaries, may be reinstated in their former rights and privileges.

RICHARD RENSHAW, Foreman.

FRED'K BROWN, Secretary.

ANTHONY RUFNER,
JOS. GILLINGHAM,
PROSPER MARTIN,
GEO. W. GIBBONS,
THOS. J. BAIRD,
PETER KLINE,
CHAS. J. SUTTON,
AMOS PULNER,
ROBT. EWING,
JOSEPH MARTIN,
EVAN W. THOMAS, jr.
JOHN ASHBURNER,
MOSES LANCASTER,
JONATHAN J. LUKENS,
THOMAS CAVE.

Philadelphia, Dec. 16th, 1833.

PHILADELPHIA DISPENSARY.

ANNUAL REPORT.

Three thousand seven hundred and forty patients have been under care of this institution since last report, viz.

Remaining from last year	9
Admitted since that time	3731
	—3740
Of whom the number recovered is	3471
Dead	71
Relieved	91
Irregular and uncertain	62
Remaining under care	45
	—3740

RECEIPTS.

Balance from last year	\$ 35 31
Annual contributions	425 00
Interest on bonds and mortgages	564 00
Ground rent	165 00
Dividends on Stock	274 50
House rent, including portions of income of real estate, bequeathed by James Wills	502 07
United States 3 per cent. stock paid off	581 01
Cash received from administrators of Dr. Charles Brown	250 00
Balance due the Treasurer	116 65
	<u>\$2913 54</u>

EXPENDITURES.

House expenses	551 13
Medicines	825 83
Apothecaries' salary	400 00
Taxes and repairs	126 92
Stationary	39 46
Paid for two shares Bank of North America Stock	945 00
Collector's Commissions	25 20
	<u>\$2913 54</u>

By the above statement it will be seen that the managers have expended for the relief of the sick poor, during this year, the sum of nineteen hundred and forty-three dollars; and they confidently believe in no other way could a greater amount of good have been effected by the same means. By this comparatively small sum, in a single year, alleviation and comfort have been brought home to nearly four thousand individuals.

Apart, however, from its benevolent character, the Philadelphia Dispensary has other, and equally interesting claims to the attention and support of our citizens.

It is well known to those at all conversant with subjects of this kind, that the Dispensary furnishes one of the best schools in this country for the examination and study of diseases. In the number and diversity of cases which it presents annually to the practitioner of medicine, it is only equalled in this city by the Philadelphia Almshouse, and in the nature of its cases, and by enabling each patient to be attended in the bosom of his own family, it has a decided advantage over that institution. The number of patients under care this year has not been so great by nearly four hundred as it was during the preceding one; this diminution, however, may be fairly attributed to the almost unexampled salubrity of our city during that period. Notwithstanding the large number of persons who annually receive relief from the charity under their care, the managers are desirous that it should be more generally known, that,

with little or no addition to their present establishment, a much greater number could be advantageously attended—under this view, therefore, they would respectfully request their contributors as well as others when proper cases come within their observation to recommend them to the Dispensary, and by their counsel assist them to lay hold of its proffered aid; for it would be a source of regret to this board, if there should be any suffering by the poor for want of proper medical attention, while the doors of this institution stand always open to receive, and to succor such of their afflicted fellow citizens as may be deserving of its charity.

Contributions to the Philadelphia Dispensary will be thankfully received, as heretofore, by its Treasurer, Colman Fisher, Chesnut above Twelfth street, and by all the Managers.

The Contributors are notified that an election will be held at the Dispensary for the purpose of choosing twelve managers on the 6th day of January next, between the hours of 12 and 1 o'clock.

WILLIAM WHITE, President.

CASPAR WISTAR, Secretary.

PHILADELPHIA EXCHANGE.

At a general meeting of the Stockholders in the Philadelphia Exchange Company, held pursuant to the act of incorporation, the 2d inst.—the following report from the Board of Managers was read and unanimously accepted—

“That since the last meeting of the stockholders the work committed to their charge has been prosecuted steadily, and they believe with unexampled rapidity to its present forward state.

The whole of the marble that will be required to complete the building is now upon the ground, and this as well as every other branch of the work is so far advanced as to warrant the board of managers in saying to the stockholders, that before the close of the present winter the whole edifice will be completely finished.

After mature deliberation the board came to the resolution to have the Exchange and reading rooms kept by a competent agent for the benefit of the company, and have selected Mr. Joseph M. Sanderson, as superintendent at a salary of \$1,500 per annum; they have also appointed a committee whose duty it will be to superintend the fitting up of these rooms, as well as the conduct of those having charge of them.

The Post Office has been located in the building and a lease executed by the Post Master General for a term of ten years. The whole of the basement and second stories are now rented, together with a part of the cellars and third story. The rents actually engaged amount to \$9,800 per annum, and the apartments not yet rented are valued at about \$1,500 per annum. This estimate does not include the revenue to be derived from the Exchange and reading rooms. What amount will be realized from this source cannot now be determined. The board in all their calculations have set it down at from 3,000 to 4,000 dollars, a sum which they believe is under, rather than over the amount, that experience will prove to be correct, making in all a total revenue of about \$15,000 which will probably be derived from the building.

The amount of stock subscribed is \$206,500 on which there has been paid \$201,600 leaving due from stockholders \$4,900. The parties in arrears have in most instances bills for materials or labour against the company which when liquidated will leave very small balances if any against them.

The account herewith submitted exhibits the amount of receipts and expenditures up to the present time, including the amount borrowed from the Bank of Pennsylvania as hereinafter mentioned, and as the amount subscribed has been nearly all paid up and ex-

pended, a resort must be had to loans to enable the board of managers to complete the building; authority to mortgage the property for this purpose having been given by the stockholders at a meeting held on the 6th of Dec. 1831.

The original estimate of William Strickland, Esq. architect, of the cost of erecting the Exchange building was \$159,435, exclusive of the lot of ground which was \$75,000, subject to annual ground rents of \$1,570 12-100 and the amount actually subscribed is \$43,500—less than was contemplated.

The board have already been compelled to borrow \$10,000 to carry on the work, which was obtained from the Bank of Pennsylvania, on a note signed by the President on behalf of the company and endorsed by two members of the board. From the best calculations the board are enabled to make, they believe that the entire cost of the building when finished will not exceed the original estimate.

Soon after the building was commenced a difficulty in relation to the privies became apparent to the board. To construct them within the walls of the building seemed to them very objectionable, and to avoid this they were compelled to place them on that portion of the ground, adjoining the property of Mr. Gowen, but experience soon proved this location to be not only objectionable but entirely inadmissible, because of the immediate vicinity of the post office, to which all classes of our citizens *female* as well as male would be obliged to resort. The Board after great deliberation seeing they had no alternative determined upon the purchase of some lot of ground convenient to the Exchange that would afford room for the edifices in question. A resolution authorizing such purchase was passed, and after much difficulty the property No. 60 Walnut street was secured. It is situated directly opposite the Exchange and is 17 feet in front on Walnut and Pear streets by 138 feet deep. The price paid was \$9,000, subject to a ground rent of \$13 33-100 per annum, and although the Board considered the price paid a very exorbitant one at the time of purchase, yet they are now confident they will be able so to improve it as to derive a nett revenue of at least 6 percent, clear of taxes and ground rent, after reserving in the centre of the lot space sufficient for the purpose aforementioned. The house on the Pearstreet front, will, when repaired, make a comfortable dwelling, and the board expect to rent it without difficulty for \$300 per annum; on the Walnut street front they have ordered to be erected a two story brick building, with marble basement to be so finished that each story may be rented separately, and applications for them have already been made. The board have no authority for the purchase and improvement of this property, and they respectfully ask the stockholders to sanction their acts in relation thereto.

All of which is respectfully submitted.

BUTLER.

The editor of the Butler Sentinel in giving a statistical account of his borough has the following paragraph:

Butler contains about one hundred and fifty houses, many of which are large brick dwellings, all of which latter description have been erected within a few years past. Its public buildings, consist of a large and commodious court house and the usual number of offices, of brick, and a jail and academy of stone. Butler contains five places of public worship, which belong to the following denominations of Christians—2 to General Assembly, and 1 to Associate Reformed Presbyterians—1 Methodist Episcopal and 1 Protestant Episcopal churches. These buildings (with the exception of the old Presbyterian church, which is built of stone) are built of brick, and are large and well finished. Four Sabbath schools have been established by the above denominations, which meet in their respective

churches. The Lutherans contemplate erecting a large place of public worship during the next summer, to be built, we understand, of stone. There is also, a Roman Catholic Chapel of stone, situate about one quarter of a mile east of the borough—making in all, when the Lutheran Church is built, seven places of public worship in and near the borough.

TRADE OF THE WEST.

The Pittsburg Gazette of last Thursday, contains a very interesting tabular statement of the number of vessels entered and cleared at the port of Cleveland, Ohio, together with the value of imports and exports, foreign and domestic, from 1825 to 1833.

We observe that, in 1825, the total tonnage arrived was,

1833,	7,310
1825, value of foreign imports,	233,500
1833,	60
1825, value of merchandize exported coast-	3,500
wise,	50,166
1833, do. do. do.	1,794,000
1825, do. imported,	132,645
1833, do. do.	4,700,000

In 1825, one vessel arrived from, and departed to a foreign port.

In 1833, the number was 1255.

The total value of foreign exports is \$250,000. The increase has been rapid but regular.

We subjoin the remarks of the Pittsburg Gazette, upon the subject. They address themselves to Philadelphia Merchants, and we may add, Philadelphia Legislators.

The enormous increase, both of the exports and imports, must satisfy every person that the trade of the country along the Ohio canal, is already an object worthy of the most strenuous exertions of this state. But the present amount of this business, great as it is, is but a trifle; an insignificant morsel, when compared to what it will be twenty, ten, or even five years from this time. The country, along that canal is but lately and sparsely settled, and must and will continue for some years to increase with great rapidity; and the supply of domestic productions, as well as the demand for foreign productions, must continue to grow with the growth of the population.

Again—the country along the Ohio canal, extensive as it undoubtedly is, is still but an inconsiderable portion, when compared with the immense region which is drained by the rivers which discharge themselves into Lake Erie. Look, in the first place, at the Sandusky and Mad River Rail Road, which, when completed, must direct to the Lake the products of the immense country through which it passes. Then behold the Maumee and Wabash Canal, which is already in the course of execution, which passes through a country equalling in extent, and surpassing in fertility, that along the Ohio Canal, and which will pour upon the bosom of Lake Erie the entire productions of that immense and fertile region. Look, finally, at the thriving and rapidly increasing territory of Michigan, whose only avenue to a market is through Lake Erie. Take all these into view, with their certain increase in a few years, and we may have some adequate conception of the immense trade which will decidedly prefer the route to a market through the cross cut and Pennsylvania Canal.

NAVIGATION OF LAKE ERIE.

We have been politely favored with a letter from the Collector of the customs of the port of Cleveland, written in reply to another, inquiring at what time navigation is usually open in the spring at Cleveland and Buffalo—From which we make the following extract:

"I have to state that vessels depart from Buffalo for

Cleveland, as soon as the navigation will possibly permit, in the spring of the year, as the Erie Canal is first open. But it is *not* always, in the first opening of navigation from Detroit to this place, that navigation commences between that place and this.

With these facts, and the following statement of arrivals at this place, in the spring of each year, from 1829 to 1833, from Detroit and Buffalo, taken from manifests on file, in this office, an opinion may be formed of the difference in the times of the opening of navigation at Buffalo, and at Cleveland.

In the year 1829, the first arrival from Detroit at Cleveland, April 10.

The first arrival from Buffalo at Cleveland, May 23.

In the year 1830, the first arrival from Detroit at Cleveland, April 3.

The first arrival from Buffalo at Cleveland, April 17.

In the year 1831, the first arrival from Detroit at Cleveland, March 29.

The first arrival from Buffalo at Cleveland, May 12.

In the year 1832, the first arrival from Detroit at Cleveland, March 28.

The first arrival from Buffalo at Cleveland, May 8.

In the year 1833, the first arrival from Detroit at Cleveland, April 2.

The first arrival from Buffalo at Cleveland, April 27.

The time consumed by vessels, in their voyage from Buffalo to Cleveland, in the spring of the year, does not exceed three days, and the voyage from Detroit at that season, does not exceed two days."

Here, then, it appears that vessels arrived at Cleveland, from Detroit, in 1831, six weeks and two days earlier than from Buffalo. That in 1830, the difference of time was the least, being only fourteen days, and the average difference for the five years was thirty-four days.

It is calculated that the trip from Pittsburg to Philadelphia will be made, in the spring, in eight or ten days—say nine, and allow five more from Cleveland to Pittsburg, by the cross cut canal, and the whole trip, from Cleveland to Philadelphia, would be performed in fourteen days; being just the least difference of time of the arrivals at Cleveland from Buffalo and Detroit. So that produce would reach Philadelphia, from Detroit, by the Pennsylvania Canal, on the same day that, under the *most favorable circumstances, and in the most favorable season*, it could reach Buffalo.

On the other hand, if you take the average of five years, viz: thirty-four days as the difference, vessels would have a free navigation from the upper end of Lake Erie to Cleveland for nineteen days, and, even after the expiration of that time, their cargoes could reach Philadelphia as soon as Buffalo.

Indeed, in these thirty-four days of difference, produce could be sent from Cleveland to Philadelphia, be there sold, merchandize be purchased, and sent to Cleveland, before Buffalo harbor would be accessible from above.

This view of the matter must, we think, remove all doubt as to the result of the controversy between Philadelphia and New York for the trade of Lake Erie.

As to the trade of the country along the Ohio Canal, and which is not necessarily compelled to cross the Lake, the argument is still stronger, but at present we have not leisure or space to press it.—*Pittsburg Gaz.*

REPORT

From the Auditor General, accompanied with a report from the Commissioners of the Internal Improvement Fund.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Read December 4, 1833.

In compliance with the provisions of the first section of

the act of 1st April, 1826, and the 2d section of the act of 4th April, 1831, the Commissioners of the Internal Improvement fund respectfully submit the following report:

On the 1st Nov. 1832, as appears by their last report, the sum of \$598,680 of the loan per act of 30th March, 1832, had not been received. This sum, together with \$135,897 and 16 cents, of the same loan, which had been applied to the payment of interest on 1st August, 1832, and which was required to be repaid by the act of 11th June, 1832, to be applied to canal purposes: the part received of loan per act of 16th February, 1833, amounting to \$1,311,307; the loan of \$530,000, per act of 27th March, 1833; and the temporary loan of \$100,000, authorized by the last mentioned act, constitute the sum total of the funds placed in the hands of the commissioners, applicable to the construction of canals and rail roads, repairs of the same, and the payment of damages, from the first Nov. 1832, to 31st Oct. 1833, as will appear by the following statements:

RECEIPTS.

Balance of loan per act of 30th March, 1832,	598,680
Part of do. refunded by the commissioners, being the sum advanced for the payment of interest on 1st August, 1832,	135,897 16
	<hr/> \$734,577 16
Amount received of loan per act of 16th Feb. 1833,	1,311,307
Loan per act of 27th March, 1833,	530,000
Temporary loan per do.	100,000
	<hr/> \$2,675,884 16

PAYMENTS.

Treasurer of the Board of Canal Commissioners,	2,575,884 16
Repaid temporary loan per act of 27th March, 1833,	100,000
	<hr/> \$2,675,884 16
The payments to the Treasurer of the Board of Canal Commissioners were made as follows:	
Of loan per act of 30th March, 1832,	598,680
Amount refunded of do.	135,807 16
	<hr/> \$734,577 16
Of loan per act of 16th Feb. 1833,	1,311,307
	<hr/> \$2,045,884 16
Amount paid for construction, Part of loan per act of 27th March, 1833,	430,000
Temporary loan per do.	100,000
	<hr/> Amount paid for repairs and damages,
	530,000
	<hr/> 530,000
	<hr/> \$2,575,884 16

The following statement exhibits the amount of appropriations, and the manner in which they have been complied with:

Balance of the appropriation of loan per act of 30th March, 1832,	598,680
Amount refunded of do.	135,897 16
	<hr/> \$734,577 16

Appropriated for construction per act of 16th Feb. 1833,	2,540,661 44
	<u>\$3,275,238 60</u>
Appropriated for repairs and damages, per act of 27th March, 1833,	530,000
Total appropriations,	<u>\$3,805,238 60</u>
Amount paid to the Treasurer of the Canal Commissioners,	2,575,884 16
Balance of loan per act of 16th Feb. 1833, yet to be received,	1,229,354 44
	<u>\$3,805,238 60</u>

The several loans which the commissioners were authorized to receive have been applied as follows:

Balance of loan per act of March 30, 1833, as stated in last report,	598,680
Amount of do. refunded,	135,897 16
	<u>734,577 16</u>

Paid to the Treasurer of the Board of Canal Commissioners as stated above,	<u>734,577 16</u>
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Amount of loan authorized per act of Feb. 16th, 1833,	2,540,661 44
Balance of do. yet to be received,	1,229,354 44
	<u>1,311,307</u>

Paid to the Treasurer of the Board of Canal Commissioners, as stated above,	<u>\$1,311,307</u>
Amount of loan per act of March 27th, 1833,	530,000

Paid to the Treasurer of the Board of Canal Commissioners, as stated above,	430,000
Paid temporary loan per act of March 27th, 1833,	100,000
	<u>530,000</u>

Amount of temporary loan per act of 27th March, 1833,	100,000
Paid to the Treasurer of the Board of Canal Commissioners as stated above,	<u>\$100,000</u>

From the foregoing it appears, that the commissioners have yet to receive \$1,229,354 and 44 cts. of the loan, per act of 16th Feb. 1833, which is the only fund at their disposal applicable to the construction of canals and rail roads.

The transactions of the commissioners relative to the fund for the payment of interest will appear by the following statement :

RECEIPTS.	
Auction duties,	\$134,631 81
Premiums on loans,	248,463 12
Dividends on bridge, navigation, and turnpike stock,	24,975 20
Collateral inheritances,	153,788 41
Escheats,	1,742 99
Canal tolls,	89,360 73
Increase of county rates and levies,	61,069 73
Tax on personal property,	41,412 02
	<u>\$755,444 01</u>
Balance on hand for the payment of in-	

terest on 1st Nov. 1832,	192,511 60
Balance for payment of toll collectors and lock keepers,	1,121 50
	<u>193,633 10</u>

	<u>\$949,077 11</u>
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PAYMENTS.	
Interest on loan of 1826,	\$ 15,000
" " 1827,	50,000
" March, 1828,	100,000
" December, 1828,	40,000
" April, 1829,	110,000
" December, 1829,	10,125
" " 1830,	200,000
" 21st March, 1831,	124,158 10
" 30th " 1831,	15,000
" 30th " 1832,	97,677 12
" 5th April, 1832,	11,373 30
" 16th Feb. 1833,	5,567 78
" 27th March, 1833,	2,500
" Temporary do.	888 12

Repaid to the canal fund the amount advanced for the payment of interest on 1st August, 1832,	135,897 16
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Paid to collectors of toll and lock keepers,	30,660 56
Balance on hand on 1st Nov. 1833,	229 97

	<u>\$949,077 11</u>
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On the 1st of Nov. 1832. the commissioners had on hand for payment of the salaries of collectors of toll and lock keepers, the sum of \$1,121 and 50 cents, as appears by their last report. This sum has been applied to its intended object. The balance of the above sum of \$30,660 and 56 cents, was taken from canal tolls, agreeably to the directions of the resolutions of the Legislature of 18th Jan., and 6th of April last.

The commissioners have formed an estimate of the probable condition of the State Treasury, on 1st February and 1st of August next, from which it would appear that a balance will remain, at the first period, of \$371,944 and 66 cents, and at the latter of \$397,228 and 27 cents, after the payment of all demands on the Treasury. In this calculation they have not taken into consideration the reimbursement of \$380,000 that portion of the loan per act of the 30th March, 1824, which becomes due on the 1st May, 1834, but if the balance on 1st February next, as exhibited by the subjoined estimate, should happen to be nearly correct, the increase of revenue over expenditures, between that period and the time when the portion of said loan must be redeemed, will make the condition of the Treasury fully adequate to meet the redemption. All estimates, however, from their nature, must be speculative, and not to be depended on to meet a certainty. Prudence would, therefore, dictate that some provision should be made, in case the Treasury be deficient to meet the re-imbursement of said loan on 1st May next.

The amount of canal tolls, for the present financial year, is estimated at \$500,000. From the natural increase of this species of revenue, this sum is confidently anticipated; but should any extraordinary accidents occur, the estimate must consequently be reduced: therefore, the necessity of guarding against contingencies.

The following is the estimate: Balance in the State Treasury, on 1st November, 1833,	367,423 30
Add probable excess of revenue over expenditures, for Nov. and December, 1833, and January, 1834,	500,000

Estimate of balance on 31st Jan. 1834,	\$867,423 30
Interest on canal loans,	

payable on 1st Feb. 1834, estimated,	445,346 11
To meet this payment, take the balance in fund on 1st November, 1833,	229 97
Take out of the Treasury, including pledged revenue,	445,116 14
	445,346 11
Amount to be taken out of the Treasury as above,	445,116 14
	\$422,307 16
Deduct interest payable out of the Treasury on the loans of 1821, 1824, 1825, loans from certain banks per act of 1st April, 1826, and loan to the Union Canal Company, per act of 1st March, 1833,	50,362 50
Estimated balance in the Treasury on 1st February, 1834,	371,944 66
Add probable excess of revenue over expenditures for February, March, April, May, June, and July, 1834,	550,000
Estimated balance on 31st July, 1834, Interest on canal loans, payable on 1st of Aug. 1834, estimated,	471,358 89
To meet this payment take out of the Treasury, including pledged revenue,	471,353 89
	471,353 89
	450,590 77
Interest payable out of the Treasury on the loans above mentioned, and on the loan to the Eastern Penitentiary, per act of 28th March, 1831,	53,362 50
Estimated balance on 1st Aug. 1834,	\$397,228 27

If any loans should be authorized during the present session, premiums will, no doubt, be obtained more than sufficient to pay the interest which may accrue during the period which this estimate embraces, and very probably will operate to place the Treasury in a better condition than the above calculation. All of which is respectfully submitted.

SAMUEL M'KEAN,
DANIEL STURGEON,
ALEXANDER MAHON,

Commissioners of the Internal Improvement Fund.
Harrisburg December 3, 1833.

GREAT PUBLIC MEETING.

A very numerous meeting of the Citizens of the City and County of Philadelphia, was held Tuesday afternoon in the State House Yard.

The meeting was organized on motion of Nathan Bunker, Esq. by calling

Major General ROBERT PATTERSON to the Chair.

BENJ. W. RICHARDS, Esq. and Col. JOSEPH S. RILEY, Vice Presidents.

Thos. Reeves, Jr. and Col. W. P. Smith, Secretaries.

General Patterson after having read the call, explained the objects of the meeting in a brief speech.

The following preamble and resolutions were then

offered by Robert Wain, Esq. and unanimously adopted.

Whereas, after a long series of years of almost unexampled prosperity, there has fallen upon this community, within the brief period of a few months a most unexpected derangement of its monied concerns, and a pressure upon its monied resources, which has already produced great disorder and suffering, and which threatens to prostrate the whole productive industry of the country. Be it therefore

Resolved, That the Congress of the United States be respectfully requested to take such immediate measures for the relief of their suffering fellow citizens, as may, in their wisdom appear best calculated to mitigate the present distress, and avert the greater calamities which seem to be rapidly approaching.

Resolved, That the Legislature of Pennsylvania be earnestly requested to unite their endeavours to obtain from the Congress of the United States, the adoption of such measures as may relieve the present embarrassments of the citizens of Pennsylvania, and prevent the delay, or the abandonment of the works now in progress, for the promotion of the great interests of this commonwealth.

Resolved, That copies of the foregoing preamble and resolutions, signed by the officers of this meeting, be transmitted to the President of the United States, and to the Governor of this State, and also to the President of the Senate and Speaker of the House of Representatives of the Legislature of Pennsylvania, to be laid before their respective bodies.

Resolved, That these proceedings be published in the city papers, and the editors of newspapers generally, throughout the State, be requested to copy the same.

ROBERT PATTERSON, President.

BENJAMIN W. RICHARDS, } Vice Presidents.

JOSEPH S. RILEY, }

Thomas Reeves, } Secretaries.
Wm. P. Smith, }

From the Pennsylvania Forester.

A CHALLENGE.—Facts are stubborn things—let the inhabitants of the old settled countries look at this:—

In the fall of the year 1830, a man with a large family of children, moved into the southern part of Potter county—as he had no money he bought 150 acres of land on credit, and borrowed from a friend of his a sum of money merely sufficient to pay the expense of bringing his family thither. He went to work in the woods, far from any other habitation, and now in the fall of 1833, (only three years,) he has erected a log house and barn, and has 22 acres of land cleared, fenced and under good cultivation; and has five acres more chopped, and nearly ready to farm. He has six head of cattle, a parcel of hogs, chickens, &c. and has corn enough to keep them till next harvest. He has paid for his 150 acres of land, and returned the money he borrowed as above mentioned, and is preparing to erect a grist mill on his land. His land improvements at present are believed to be worth at least \$1000. We now challenge our brother Editors in all the thickly settled counties of this State, to show another situation where a poor man can do as well as in Potter or M'Kean counties.

MAUCH CHUNK, December 28.

WEATHER.—We have had alternately considerable snow, rain, and cold weather, lately, and we hear of excellent sleighing all around us. Indeed, the sleigh bells have been merrily ginging along our streets almost every day during the past week, although the snow in this place has been scarcely sufficient for an apology for sleighing. We understand, however, that the snow is from two to three feet deep on the mountains not many miles distant.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 2. PHILADELPHIA. JANUARY 11, 1831. NO. 314

From the Journal of the Franklin Institute.

CHESAPEAKE AND DELAWARE CANAL.

EXPERIMENTS BY STEAM BOATS.

Experiments made on the Navigation of the Chesapeake and Delaware Canal by Steam, reported by A. D. BAENE, Professor of Natural Philosophy and Chemistry in the University of Pennsylvania.

The great importance of applying steam to navigation upon canals, has not failed to strike those interested in that mode of internal communication. It has been denied that steam navigation is possible in canals, when injury to the Banks is not guarded against by expensive precautions; and that it can be advantageously applied in any case is still doubted, notwithstanding the attempt in Great Britain which is reported to have been successful. The result of experiments made on the Chesapeake and Delaware Canal, seem to me to go far to remove, entirely, such doubts in relation to the larger class of canals; and with this impression, I have supposed that a report of them might prove interesting.

In the experiments of which I am about to give an account, I assisted, without directing; all that is set down as coming from myself was obtained by careful observation, and when the information has been received from others, the authorities upon which it rests are also given. I engaged in these experiments with a view to their bearing upon an interesting inquiry in practical science, and the materials are so laid before the reader that he may have a test of the accuracy of the observations, and of the conclusions which may be drawn from them.

A canal boat which had originally plied upon the Schuylkill, and been noted as a quick boat, was altered, under the direction of the President of the Chesapeake and Delaware Canal Company, (Robert M. Lewis, Esq.) so as to increase the length, and to give greater sharpness to the bow, as well as to reduce the bottom to a regular and gently swelling curved surface, from the stem and stern, without any internal flexures. The length of the boat was thus made eighty feet, the length of the false bow, in the direction of the axis of the boat, being seven and a half feet; the width of the boat was ten feet; the draught, when light, twelve inches, and with a load of forty tons, fourteen inches, exclusive of the keel. The alterations were made under the direction of Mr James Rush, of the firm of Rush & Mullenburgh, and the engine, paddle wheels, &c. put in under his charge; from him I obtained the details just given, and those which follow, in relation to the boat and engine.

The engine was the result of an exchange, which enabled the experiment to be made with economy; it proved, however, to be much too small for the purposes in view. The diameter of the cylinder was eight and a half inches, and the length of stroke two and a half feet, the pressure of the steam with which it was supplied was about 140 lbs.; 150 lbs. to the square inch, on the safety valve, being the maximum pressure. The steam was cut off at half stroke, and the escape steam served to heat, in part, the water which was thrown into the boiler. The nominal power of the engine was ten horses; but with a mean effective pressure, during

the stroke of 80 lbs. per square inch, an estimate probably not far from the truth if the pressure within the boiler was correctly stated, and supposing thirty-five double strokes to be made in a minute, the power would be more than double the nominal amount. The boiler was a vertical cylinder, six feet in length, and three feet in interior diameter, containing one hundred and twenty draught tubes from an inch and a half to two inches in diameter, and thirty inches in length, the tubes uniting above in a wide chimney. It appeared by the experiments that this boiler was competent to keep up a supply of steam for about thirty-five double strokes of the engine per minute. The paddle wheels were placed at the sides of the boat, and between one-third and one-half of the length of the boat from the bow; the wheels were eight feet two inches in exterior diameter, and four and a half feet wide; the buckets were six inches deep, and made of cast iron. The weight of the boiler was stated to be 2214 lbs., and of the wheels about one ton.

The preliminary trials with the boat were made on the river Schuylkill; upon them, as they were not made in the precise circumstances in which the boat would have to work in the canal, not much stress was to be laid; they were so far satisfactory, however, as to speed, and to the slight apparent swell produced by the boat at the highest speed of which the engine was capable, as to induce the President of the Canal Company to have the boat sent to the Chesapeake and Delaware Canal for further trial. A summary of the results obtained in a trip from the upper ferry to Gray's ferry, and back again, and in several short trips from near the middle ferry to near Gray's ferry, is given below. The averages being deducted from different numbers of experiments are not entirely comparable, but are probably as close approximations as the nature of the other data will furnish; the distances were measured from Allen's map of Philadelphia, and having been thus obtained, can only be considered as approximations.

The tide was running down, and near the last of the ebb, the wind was from the S. E., and therefore, in part, favorable in those trips in which the tide was adverse.

Greatest speed down stream,	8.45 miles per hour.		
Least do.	do.	6.50 do.	
Steam stopped off to pass under the middle ferry bridge.			
Greatest speed up stream	7.35 miles per hour.		
Least do.	do.	6.50 do.	
Average speed down stream	7.57 do.	} Mean 7.12.	
do. up stream	6.88 do.		
Greatest number of revolutions of paddle wheels per minute,			39
Least do.	do.		30
Average do.	do.		33½
Average ratio of the velocity of the boat to the velocity of the circumference of the paddle wheel,			73 to 100

I have thought it best to give these conclusions, since they are sufficiently correct to afford a tolerable comparison with the inferences from similar experiments on the canal, and thus to enable the results for a stream to be compared with those in the comparatively narrow and shallow canal.

Mean rate of boats, wind in favor	6.56 miles.	}	Relative rates, 1.417 to 1.
do. do. adverse	4.63 do.		
Mean, - -	5.59		
Greatest rate of boats, wind in favor	6.96 miles.	}	Relative rates, 1.426 to 1.
do. do. adverse	4.88 do.		
Mean ratio of velocity of boat to velocity of wheel, wind in favor,	-		.63
do. do. do. adverse,	-		.47
Mean, - - - -	-		.55

SECOND EXPERIMENT.

The steam boat, with thirteen persons on board,

Points at which the observations were made.	Time of observation.			Remarks.	Width of water way.	Dist. between stations.		Time between stations.	Rate of boat.	Ratio of velocity of boat to velocity of wheel.
	H.	M.	S.		Yards.	Yards.	M.	S.	Mill's	
				Steamboat alone.						
Post 300 yds. W. of Del. lock	9	12	35	39	Wind as in 1st. experiment.					
Post 300 yds. E. of Del. bridge	9	14	35	39	{ Faster than boat, and in favor.	26 2-3	471	2 00	8.03	.71
Middle of Delaware bridge	9	16	0	0	{ Steam shut off, in part, for 20 seconds.	26 2-3	302	—	—	
Post 300 yds. W. of Del. bridge	9	17	32	37½	{ More wash than in first experiment but still harmless.	56	302	—	—	
Mile post No. 1.	9	19	30	37½		59	385	1 48	7.29	.67
" No. 2.	9	26	30	39		59	1770	7 10	8.42	.77
" No. 3.	9	34	9	37½		55	1768	7 39	7.88	.72
" No. 4.	9	41	50	37½		176	1755	7 41	7.79	.71
Post 300 yds. E. of Penn. lock	9	45	30	0		44	—	1 40	—	
Post 300 yds. W. of Penn. lock	9	58	8	0	Pass Pennsylvania lock.					
					Wind slower than boat. Swell in front of boat just at a point opposite the bow was measured upon a stick, and found to be about one inch. Canal nine to ten feet deep; round 800 feet wide. Experiment not precise.	275		15 82		
Mile post No. 5.	10	0	50	39		190		2 42		
" No. 6.	10	8	13	37½		132	1764	7 23	2.14	.73

SECOND EXPERIMENT, (continued.)

After passing mile post No. 6, a sloop was attached by tow lines to the steamboat; the burthen of the sloop was forty-four tons, the actual loads being fifty tons of anthracite, and the draught sixty-two inches exclusive of the keel. The helmsman of both the steamboat and the sloop, not understanding the management of their respective vessels, in the new circumstances in which they were placed, there was so much sheering in one direction and another, that it was deemed expedient to cast off the tow lines on the approach of the passenger barge which appeared in sight. The speed was estimated differently at from three to four miles per hour, but the checks which it constantly met with rendered any accuracy of estimate out of the question. The passenger barge, towed by *eleven* horses, now passed, and the steamboat followed; part of the experiment, which follows, was made in the shallower end of a former mill-pond, and the other through about one-quarter of a mile of the deep cut.

Points at which observations were made,	Time of observation.		No. of revolutions per min.	Remarks.
	H	M. S.		
Mile post No. 7.	10 ³⁴	52 ⁵⁷	37	From the bottom of the depression to the top of the swell created by the barges was at the lowest, three and a half feet; the same height for the swell at the boat was observed at the most. In deep run.
do. No. 8.	"	42 ⁵⁷	56	
Mean,				
	Yds.	Width of water way.		
	Yds.	Distance between stations.		
	M. S.	Time between stations.		
	M. S. Min's	Rate of boat.		
		Ratio of velocity of boat to velocity of wheel.		

SECOND EXPERIMENT, (continued.)

Points at which the observations were made.	Time of observation.			No. of revolutions per minute.	Remarks.	Width of water way.		Distance between stations.		Time between stations.		Rate of boat.	Ratio of velocity of boat to velocity of wheel.
	H.	M.	S.			Yds.	Yds.	M.	S.	Miles			
					Return trip with steamboat alone.								
				38	Light wind ahead.								
Mile post No. 7, -	11	23	30	37½		270							
				36									
Mile post No. 6, -		31	42	35		132	1769	8	12	7.36		.70	
				37½									
Mile post No. 5, -		39	53	37	Wind strengthens.	190	1764	8	11	7.35		.68	
Post 300 yds. W. of Penn. lock,		43	52	37½		275			3	59			
Pennsylvania lock,		50	20	—	In lock, and going 300 yds.				6	28			
Post 307 yds. E. of Penn. lock,		52	18	33		44			1	58			
Mile post No. 4, -		54	10	34½		176			1	52			
				34½									
Mile post No. 3, -	12	02	20	—		55	1755	8	10	7.33		.73	
				35									
Mile post No. 2, -		10	18	35½		59	1768	7	58	7.56		.74	
				34½									
Mile post No. 1, -		17	55	—		59	1770	7	55	7.92		.77	
Post 300 yds. W. of Del. bridge		19	40	—		56	385	1	45	7.50			
Middle of Delaware bridge,		21	05	—	Steam slack.	26½	302	1	24				
Post 300 yds. E. of Del. bridge,		22	57	34½		26½	302	1	52				
Post 300 yds. W. of Del. lock,		25	15	33		—	471	2	18	6.98		.70	
					Mean.					7.43		.72	

Mean velocity of steamboat, wind in favour 7.85 miles per hour. } Relative rates.

" " " 7.43 " } 1.055 to 1.

Mean, " " 7.64

Greatest vel. of steamboat, wind in favour 8.42 " } Relative rates.

adverse 7.92 " } 1.068 to 1.

Mean ratio of velocity of boat to velocity of wheel, wind in favour, .71

" " " " " adverse, .72

THIRD EXPERIMENT.

Steamboat towing a freight barge of twenty-five tons burthen, loaded with from fifteen to eighteen tons of merchandise, and drawing two and a half feet of water.

Wind very light, in favour of the boat.

Points at which the observations were made.	Time of observation.			No. of revolutions of wheels, per minute.	Remarks.	Width of water way.		Distance between stations.		Time between stations.		Rate of boat.	Ratio of velocity of boat to velocity of wheels.
	H.	M.	S.			Yds.	Yds.	M.	S.	Miles per hour.			
					Towing a freight barge.								
Post 300 yds. W. of Delaware lock,	12	40	34	34									
Post 300 yds. E. of Delaware bridge,		43	31	34		26½	471	2	57	5.44		.55	
Middle of Delaware bridge,		45	25		{ Steam slack for 30 seconds.	26½							
Post 800 yds. West of Delaware bridge,		47	18	34½		56							
Mile post No. 1,		49	22	35		59	385	2	04	6.36		.62	
					Mean.					5.95		.58	

The passenger barge from the west appearing in sight, the freight barge was disengaged, and the boat put about. At the first part of this experiment there was a difficulty encountered similar to that noticed in the case of the attempt to tow the sloop, but less in degree; it resulted from the inexperience of the helmsman of the barge, and as soon as he had been directed how to steer, and followed the directions, there was no further trouble from this source.

FOURTH EXPERIMENT.

Steamboat alone, returning in rear of the passenger barge drawn by seven horses.
Light wind ahead.

Points at which the observations were made.	Time of observations.		No. of revolution of wheels per minute.	Remarks.	Width of water way.	Distance between stations.	Time between stations.	Rate of boat	Ratio of velocity of boat to velocity of wheel.
	H.	M. S.							
Mile post No. 1.	12	53.45		Steamboat alone	59				
Post 300 yards West of Delaware bridge.	1	00.40			56	385	1.55	6.84	
Delaware bridge.		02.00			26 2-3	302	1.20	7.74	
Post 300 yards East of Delaware bridge.		03.32			26 2-3	302	1.32	6.63	

The barge had seven horses, which of course were fatigued, for which circumstance allowance must be made; there was, however, no point of time in which the steamboat could not have passed the barge after it had come up to it, and, in fact, during part of the last 300 yards, and after passing the 300 yards post, the steam was slackened occasionally, to keep from running too close to the barge.

Summary of the Average Results.

Mean velocity.	Miles per hour	Ratio of velocity of boat to velocity of wheel.	Remarks	Average No. of revolutions per min.
Steamboat alone	7.64	.71	A mile in 7 m. and 7-8ths.	36.9
With passenger barge in tow.	5.59	.55.		34.7
With freight barge in tow.	5.95	.58	No exp'ts against the wind.	35.1

In these experiments, at the highest rate of motion obtained, there was no swell produced in the straight parts of the canal, which would have been likely to injure the banks although not specially protected.—

The wave from the bow of the boat, owing to the peculiar form of that part, fell in with the wheels, and was disposed of by them; while the lean form of the stern brought together the waves produced by the wheels, which, therefore, spread very little, if at all, in a lateral direction, that is, towards the banks, being directed towards the tow-path only in parts of the curved portions of the canal. When the barge was in tow, and with the more rapid rate then assumed, nearly seven miles per hour, there was no perceptible swell behind the barge, the swell from the wheels not appearing after meeting the bow of the barge. There was no obvious change in the character of the swell at low and high velocities, but the experiments did not permit numerical accuracy upon this point.

At the time when the heights of the wave from the barge and from the steamboat are noted in the remarks, the barge was so far before the boat that the latter was free from any effect produced by the swell of the former. It was in the deep cut, and the bow of the barge was elevated, and the stern depressed, mounting an inclined plane, while, besides the wave which preceded the bow, a destructive surge followed sweeping above the stoning of the banks of the tow-path. The wave from the steamboat was included within limits comprising only a portion of the cover of the banks, and did not break with the violence necessary to carry away the soil and pebbles from behind the stonings.

The boat suffered no sensible retardation in passing into the deep cut, for in the latter part of the second experiment, with thirty-six and thirty-seven revolutions, the speed was about seven and a half miles per hour, while in the wider portions, with thirty-seven and a half, the speed was about seven miles and three-quarters. The same conclusion is to be drawn by comparing these results with those obtained in the Schuylkill; in fact, the average speed with a given number of revolutions upon the canal, rather exceeds that with the same number upon the river.

The want in power of the engine prevented the experiments from being conclusive in relation to towing, with high rates of motion, though they seem to indicate greater advantages from towing, at rapid rates, than in moving with the boat alone. That the speeds attained by even this imperfect model, compare with those which the labor of eight horses is capable of producing, appears by the annexed memorandum received from the captain of one of the passenger barges which passes daily through the canal on the line from Philadelphia to Baltimore.

	Minutes.	Seconds.		Rate per hour in miles.
"From 11th to 10th mile post,	9	40		6.02
	10	00		6.00
	9	00		6.67
	8	7		6.92
	7	6		7.58
	6	5		8.18
	5	4		
			Includes lockage.	
	4	3		7.02
	3	2		7.20
	2	1		8.18
	1	0		6.69

The average speed is about nine minutes to the mile, and two hours are required to pass the canal."

While then it would seem to be an easy matter to exceed the average speed which is attainable in towing by horses, the swell produced by one and by the other mode of conveyance are not comparable with each other.

A review of the experiments leads me to the conclusion indicated in the commencement of this article, namely, that steam power may be substituted for the present method of towing by horses on large canals, with great advantage to the canal, particularly at high velocities.

There was no opportunity on this occasion to examine into the cost of this mode of transportation, by ascertaining the amount of fuel consumed in the different trips; this point was investigated, and a further trial in towing heavy vessels was made by Caleb Newbold, Esq. As the results will serve to render my statements more full, I subjoin them.

	Hrs.	Mins.	Rate. Miles per hour.
"1st. expt., steamboat alone, St. Georges to Delaware City, (4 25 miles)	0	33	7.73
2d. expt. steamboat alone, Delaware City to Chesapeake	1	55	6.91
3d. expt. steamboat alone, Chesapeake and Delaware City,	1	50	7.23

"In both of the last experiments the steam was slackened off repeatedly to accommodate vessels; the time given is exclusive of six minutes for lockage. The most rapid rates of motion were one mile in six minutes and twenty seconds, (9.48 miles per hour,) and one mile in six minutes and thirty seconds, (9.23 miles per hour.) The greatest number of revolutions made in one minute by the wheels was forty-two. 575 lbs. of pine wood, of fair good quality, (about one-fifth of a cord,) were consumed in keeping up the steam for one hour and fifty minutes.

4th. experiment, Delaware City to St. Georges, towing the schooner William and George, of 45½ tons burthen, empty, fifty-six minutes, (rate 4.5 miles per hour.)

"5th. experiment, St. Georges to Delaware City, towing the sloop Martha and Elizabeth, of 39 tons, clump built, heavy laden, drawing six feet of water, one hour and two minutes, (rate 4.1 miles per hour.) Part of the way there was a fair wind, and part of the way a strong side wind, which, owing to the want of keel of the steamboat, pressed it somewhat on the tow path. The vessel is one of the heaviest *towers* of her class. No difficulty in steering, nor any embarrassment from sheering."

APPENDIX

To the Report of the Directors of the Bank of the United States.

(Concluded from vol. xii. page 416.)

BANK UNITED STATES, NOV. 5, 1833.

Sir,—Permit me to ask your particular attention to a draft for \$500,000, in favor of the Cashier of the Girard Bank, which has been brought into your account transmitted by this day's mail.

The uniform practice has been for the Treasurer to transmit to the Bank a weekly statement of the drafts drawn by him on the Bank and its offices. This statement in its terms purports to be, and has always been deemed to be, a complete list of all the drafts on the Bank,—so well understood was this, that when an omission was brought to your notice by my predecessor, you answered on the 15th August, 1829, explaining that the omission was accidental, and adding "I now beg leave to enclose a statement of the transfers referred to, and will cause you to be properly notified of such as may be directed hereafter." Nevertheless, a draft for \$100,000 on the Office of this Bank in Baltimore in favor of the Union Bank of Maryland, and a draft on this Bank, also in favor of the Union Bank of Maryland for a like sum of \$100,000, of which drafts no men-

tion was made in the lists transmitted to the Bank, have been presented and paid. On Saturday, the 2d inst., this draft for \$500,000 in favor of the Cashier of the Girard Bank, was presented, although since the date of this draft nearly a month had elapsed, and we have received from you five lists of drafts in which this was not mentioned, yet it has been paid from a desire to do all honor to any thing which bears your signature. But the appearance in succession of these large drafts without being notified in your lists which embrace the minutest sums, makes it necessary for the security of the Bank, to receive your instructions in regard to them. Will you therefore have the goodness to inform me whether it is your desire that these lists shall serve as a guide to the Bank, to be treated as letters of advice of the drafts, and forming a security against the payment of those not recognized by you, or whether you authorize the payment of drafts bearing your signature, although you do not advise the Bank of their having been issued?

I am, &c.

S. JAUDON, Cashier.

JOHN CAMPBELL, Esq., Treasurer of the United States, Washington.

—
TREASURY OF THE UNITED STATES, }
November 8th, 1833. }

Sir,—I have received your letter of the 5th instant, calling my attention to the fact of certain Treasury drafts having been paid at the Bank of the United States and its Office at Baltimore, the issuing of which had not been notified to the Bank in the weekly statement.

The general practice in the Office of furnishing to the Bank, at the close of each week, a statement of the drafts and warrants on it and its Offices, issued during the week, is readily acknowledged, a practice which I found in operation when I entered the Treasury, and adopted by the department, I presume as a mere matter of convenience to the Bank in settling its account with its branches, and with this Office, and not of security to the Bank, as you have supposed. Desirous to afford every facility to the Bank in its transactions with this Office, which it had received from my predecessor, I had no hesitation in saying, upon being informed that the transfer drafts had been omitted in the weekly statements, that the former practice should be continued. The drafts in question, however, were not of the usual kind, and did not properly belong to the usual weekly statement. They were issued by direction of the Secretary of the Treasury, to be used in the event of certain contingencies, upon failure of which they were to be returned to the Treasury and cancelled. Had they been inserted in the Weekly Statement, they would have led at once to a deduction from the Treasurer's account, when it was hoped and expected that the occasion might not arise for presenting them for payment. Upon presenting them for this purpose, the Banks, in whose favor they were drawn, were instructed to give immediate notice to this office, in order that they might be inserted in the weekly statements. This you will find was accordingly done, by referring to the statement of the 12th ultimo. At what time the practice of furnishing the weekly statements originated, I am not able to say, but the only use which appeared to be made of them was to enable the Bank to keep up its aggregate account, with the Treasurer and the Branches as before stated. That they could not have been intended "to serve as letters of advice of the drafts, or as forming a security to the Bank, against those not recognized by the Treasurer," is evident from the fact (among others) that the drafts reported in it, being issued on any day in the week, and the statement not sent until the close of the business on Saturday, must in most cases have been presented and paid before the statement came to hand. It was nevertheless not intended to take the Bank by surprise. The holders as I understand were requested to apprise the Bank of their having contingent drafts upon it, and have in fact been in communication with the Bank on the subject.

From this statement you will readily perceive, that there was no disposition to withhold from the Bank any information that had been usual, or was considered necessary for the convenience of the Bank. The information was not considered necessary as notice to the Bank at the time the drafts were issued, and the office had provided the means, and was in the course of furnishing the information in time to answer the only purpose for which it was believed to have been used. The only drafts now out of the contingent character above stated, and which have not been introduced into the weekly statements, are three drafts for \$500,000 each, on the Branch in New York in favor of the Bank of America, Mechanics' Bank, and the Manhattan Company, all of New York. In the course of next week, I shall be able to inform you whether they are intended to be used, or to be returned to this office. If they are presented by the proper officer of the respective Banks above stated, they will, I hope, be honored, and if they are returned, I shall immediately advise you of it. The occasion which was supposed to make drafts of this description proper having now passed, I am instructed by the Secretary of the Treasury to inform you, that no drafts will be issued but such as are intended to be presented and paid. These will be included in the weekly statements as usual. Whether the drafts which may be presented are genuine or not, or payment demanded by the person lawfully authorized to receive it, you must on all occasions as heretofore decide for yourself, on your own responsibility.

I am, very respectfully, sir, your ob't servant,
JOHN CAMPBELL, Treasurer }
United States. }
S. JAUDON, Esq., Cashier Bank U. States.

BANK OF THE UNITED STATES, }
November 15th, 1833. }

Sir,
I have had the pleasure of receiving your letter of the 8th instant, in which you inform me that the drafts were issued by you without the accustomed notice to the Bank, because they "were not of the usual kind," and were "issued by the direction of the Secretary of the Treasury, to be used in the event of certain contingencies."

Without feeling myself disposed or authorised to say any thing as to the general character of these drafts, I am constrained to recur to the subject for the purpose of apprising you that such drafts are so entirely at variance with the present instructions of the Treasury, that it has become necessary, as well for the Treasury as for the Bank, either to discontinue the practice of drawing without notice, or else to make the instructions conform to it.

In my letter of the 5th instant, I brought to your notice the fact of the omission of the drafts on the weekly statements, because the drafts being drawn on distant parts of the establishment, could only be known to the Bank at Philadelphia by your weekly statements, and because the suppression from these weekly lists of drafts outstanding for many weeks seem to require that some explanation should be requested. Your reply that it was not necessary to notice these as a matter of security to the Bank, because the drafts drawn in the course of the week might be presented before the list sent at the end of the week could reach the Bank, is undoubtedly true. The weekly lists are for the general information of the Bank, but you are perfectly aware that, in order to supply this very defect in the weekly statements, and for the very express purpose of giving a notice contemporaneous with the draft itself, you furnish a daily list to the Bank, and to every Branch drawn upon, of the drafts drawn upon them respectively on that day, and this with the avowed specified object of guarding the Bank against frauds. Your circular and "confidential" letter to the Cashier of the Bank, and to the Cashiers of all the Branches, is in these words:—

"TREASURY OF THE UNITED STATES, }
June 23d, 1829. }

"Sir,
"In compliance with instructions of the Secretary of the Treasury under date of the 22d instant, I have the honor to inform you that a daily list, to commence with the 26th instant, will be transmitted to you by this office of the warrants that may be directed during the day to your institution for payment. It is believed that this measure is calculated to prevent frauds upon the Banks; and as a precaution against its falling into improper hands, the list will not be accompanied by any letter or explanatory remark, but will merely contain the number of the warrant, whether on account of the Treasury, War, or Navy Department, the name of the party in whose favor it is drawn, and the amount.

I am, very respectfully, your ob't servant,
(Signed,) JOHN CAMPBELL,
Treasurer of the United States."

You will readily perceive, that according to this letter, the Treasury, in order to prevent frauds upon the Bank, gives a daily list of drafts daily drawn, and for fear this very daily list might be perverted, it was framed in a particular manner, so as not to be intelligible if it fell into improper hands.

The officers to whom this letter was addressed naturally presumed that this, daily and confidentially communicated, was to serve as a guide and check on the drafts themselves, and the Treasury was apprised that no drafts should be paid unless they were on these lists. Of this fact the files of the Treasury furnish this illustration. The Cashier of the Branch at New York wrote to the Secretary of the Treasury on the 12th of April, 1830.

"I beg leave to call your attention to the advice of drafts from the Treasury on this Branch. The following were presented some days since, and payment refused for want of advice, viz:

War	586	John Riddle	\$ 170
	585	do.	7,577 56
	587	do.	752 12
	588	do.	1,016

"All those advised on the 7th and 8th instant are without the names of the parties to whom they were given, and no discrimination as to army or navy. I shall in future refuse to pay in every case where advice is not given.

I have the honor to be your obedient servant,
M. ROBINSON, Cashier.

HON. S. D. INGHAM,
Secretary of the Treasury, Washington."

This letter was referred to you by the Secretary, and in your answer, dated the 17th of April, 1830, you say —"Your refusal to pay the warrants is considered quite proper. The inconvenience which the parties may have incurred from it is indeed much to be regretted, but a payment without advice would be upon the responsibility of the Bank."

You cannot fail to perceive the embarrassment to which the relations between the Treasury and the Bank are now subjected—and the example of the Branch at New York is worthy of special attention. You have been sending to that Branch a daily list professing to give a description of every draft drawn upon the Branch on that day. The Cashier receives this and confides in it. He has already refused to pay drafts not on that list and the Treasury has directed him to refuse in future. Yet it now appears that while his daily list contains the most trifling sums, there are drawn upon him three checks of \$500,000, each without any, the least notice of them on either the daily list or the weekly list. The consequence is that had they been presented a week ago, the payment of them would necessarily have been refused and the Treasury draft have been dishonored in consequence of the Treasury instructions.

They would be dishonored now, but that in order to give every facility to the business of the Treasury, the Cashier was by me apprised of them and authorized to pay them after the receipt of your letter. You further state that "the holders of the drafts were requested to apprise the Bank of their having contingent drafts upon it—and have in fact been in communication with the Cashier upon the subject;" and you add, that "from this statement you will readily perceive that there was no disposition to withhold from the Bank any information that had been usual, or was considered necessary for the convenience of the Bank."

I am perfectly satisfied that you would never consent to anything calculated to mislead or to deceive the Bank, and yet you cannot, I think, fail to perceive to how many difficulties this statement is exposed. You observe that "there was no disposition to withhold from the Bank any information that had been usual." Yet the weekly lists were usual—the daily lists were not only usual—but were declared by the Treasury itself indispensable. Yet these were withheld. You further remark that the holders of the drafts were requested to apprise the Bank of their existence. If so, the Treasury must have thought it necessary that the Bank should be informed of it, and the question naturally occurs, why should not that information have been given in the usual and regular way, rather than leave it to the uncertain compliance with a request by the holder of the drafts, for it appears by the report of the Cashier of the Branch in New York, that he has received no notice of the existence of these outstanding drafts except through me.

I am the less surprised at their omission, since even with the disposition which you have yourself manifested to communicate accurate information to the Bank, one of these very drafts seems to have escaped your own notice. Thus in your letter of the 8th instant, you state that "the only drafts now out of the contingent character above stated, and which have not been introduced into the weekly statements, are three drafts for \$500,000 each on the Branch in New York." Now on the 4th instant, a draft for \$100,000 on the Branch in Baltimore was paid, bearing date the 4th of October. Of this draft no advice has ever yet been received from you in the weekly list. Allow me then to repeat my request that if these daily and weekly statements are to be continued, they may be rendered what they profess to be—accurate accounts on which the Bank may rely in the arrangements of its business.

Very respectfully, your obedient servant,
S. JAUDON, Cashier.

JOHN CAMPBELL, Esq.
Treasurer United States, Washington.

—
TREASURY OF THE UNITED STATES, }
November 25, 1833. }

Sir,

Your letter of the 15th instant, in reply to mine of the 8th, in relation to certain Transfer Drafts, which were issued, as I had informed you, in compliance with the instructions of the Secretary of the Treasury, I received in due time.

A desire that the transactions of this Office with the Bank may be correctly understood, and that certain communications of mine to which your letter has had reference, may be more fully explained, which I perceive have been entirely misapprehended, induce me to trouble you with this reply. You inform me that "such drafts are so entirely at variance with the present instructions of the Treasury, that it has become necessary, as well for the Treasury as for the Bank, either to discontinue the practice of drawing without notice, or else to make the instructions conform to it;" and you refer me to a letter of mine of the 23d of June, 1829, communicating certain instructions of the Secretary of the Treasury, requiring daily lists of the warrants directed to the Bank for payment during the day,

as the instructions of the Treasury which have not been complied with by not furnishing a list of certain transfer drafts. A reference to those instructions cannot fail to disclose to you that you have entirely misunderstood them. What are they? They are that "a daily list will be transmitted to you by this office, of the warrants that may be directed during the day to your Institution for payment." Nothing is said in these instructions of furnishing a daily list of *Transfer Drafts*.

It surely is not necessary for me to point out to you the manifest difference between a warrant with the Treasurer's order, annexed to it, directed to the Bank for payment of money out of the Treasury, and a transfer draft issued by the order of the Secretary to transfer public funds from one Bank to another. There never have been any instructions from the Treasury requiring me to furnish daily lists of transfer drafts, they never have been included in a single instance, in the daily lists of warrants, that have been directed during the day for payment.

The Transfer drafts are included in the weekly statements, not to guard the Bank against frauds, as you have supposed, but for the purpose of general information in regulating the Treasurer's aggregate account with the Bank and its branches. You proceed to state however, that I must be "perfectly aware that to supply this defect in the weekly statement, and for the express purpose of giving a notice contemporaneous with the draft itself, and a daily list is furnished to the Bank and every Branch drawn on, of the drafts drawn upon them respectively on that day, and that with the avowed specified purpose of guarding the Bank against frauds." How can the daily lists of warrants be intended for such a purpose in relation to transfer drafts, when the transfer drafts are never included in it, and when no daily lists of transfer drafts have ever been furnished?

The drafts alluded to were not included in the usual weekly statements, for the reasons stated in my last letter. It was not known certainly whether they would be presented and paid, or returned to the Department and cancelled. It was therefore thought the most correct course not to include them in the amount drawn for during the week by this office, until it was known they were to be paid: and the holders were directed to give the proper information to the Treasury, if the drafts were intended to be used. If they had been included in the amount drawn for during the week, and not paid, an erroneous exhibition of the Treasurer's Account would have been the consequence.

It was satisfactorily shown in my letter of the 8th, that the practice of furnishing weekly reports to the Bank of the drafts drawn on it and its Branches during the week, being anterior to my entrance into the Treasury, was continued as a matter of convenience to the Bank, for general information, and not as required by any Treasury instructions, and that the mode in which the contingent drafts were intended to be reported in these statements, was suitable to the character and object of these statements. The question therefore now remaining, seems only to be, whether it was usual, or was required by the Treasury instructions, for the Treasurer to give daily or contemporaneous notice of the Transfer Drafts to the Bank or Branches on which they were drawn.

To this question the negative can be confidently affirmed—

In the circular letter from this office of 23d June, 1829, written by direction of the Secretary of the Treasury, and quoted by you at length, the Banks are informed, that a daily list will be "transmitted to them of the Warrants that may be directed to them during the day for payment," which list to prevent its being used in case it should fall into improper hands, "will merely contain the number of the warrant, whether on account of the Treasury, War, or Navy Department,

the name of the party in whose favour it is drawn, and the amount." It was on Warrants designated as War Warrants that the Branch at New York refused to make payment without advice, and not Transfer Drafts, and the refusal to pay the warrant, I of course approved, as the notice in such case was required by the regulations of the Treasury. If any doubt remained upon this subject, the history of these Warrants will sufficiently shew the practice of the office in this respect, and the perfect understanding of it on the part of the Branch Bank at New York, for on the day that the Cashier refused to pay the warrant for want of notice, he paid Transfer Draft No. 94, for \$200,000, without notice, and three days after, Transfer Draft No. 96, for 100,000 dollars without notice.

I need scarce add that the failure to report draft No. 547, for 100,000 dollars, on the Baltimore Office, in the statement of the 9th inst., was an omission of the Clerk. It was nevertheless not "outstanding" at the time my letter was written, having been paid on the 4th, and doubtless immediately reported to you.

The charter of the Bank of the United States has given to the Secretary of the Treasury the sole power of ordering transfers of the public funds from place to place, for the convenience of the public service, and he of course must judge of their necessity and legality. It would therefore be out of place in me to offer any observations as to the character of the drafts to which some allusion has been made. He is responsible to the nation for the proper exercise of this power, and of course cannot be controlled in it by any officer of the Treasury or of the Bank, as I conceive. The charter of the Bank provides "that whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place within the United States or the territories thereof, and for distributing the same in payment of the public creditors." The form in which this power, thus confided to the Secretary, is to be carried into effect, he has prescribed in his instructions to the Bank, of May 28th, 1829, and were accordingly communicated to all the Banks in which there were public funds. These instructions are as follows:

"When transfers are to be made of public funds from one bank to another, the Treasurer will issue a transfer draft upon the bank in which the funds may be at his credit in favor of the Bank to which they are to be transferred, for the amount required, stating that it is to be placed to his credit in such Bank. This draft will be recorded by the Register, who will authenticate the record by his signature upon the draft, and will finally receive the written sanction of the Secretary of the Treasury."

The Transfer Draft signed by the Treasurer, Register and Secretary in pursuance of these instructions, is the form prescribed by the Secretary for carrying into effect the power confided to his discretion of ordering transfers of the public funds from place to place. It was adopted to give authenticity to the order, and to enable the Treasurer to render an accurate account of the state of the public funds in the Bank and its Branches, and not in consequence of his having any discretion or control over the subject. He has therefore rigidly and strictly conformed to all the instructions given by the Secretary of the Treasury on this subject, and whenever he shall direct that daily notices of Transfer Drafts as well as of Warrants, shall be transmitted to the Banks by this Office, those instructions shall with great pleasure be complied with on my part, but until such instructions are given, the practice of this Office will be continued as heretofore.

When disbursements of money are to be made out of the treasury, the law has pointed out the duty of the Treasurer. Such disbursements are to be made alone upon the Warrant of the Secretary of the Treasury, countersigned by the Comptroller, and recorded and authenticated by the signature of the Register; and by

the regulations of the Treasury of the 28th of May, 1829, which were also communicated to all the Banks in which there were public deposits, the Treasurer is required to write his order for the payment of the money upon the Warrant. And by another regulation the Treasurer is required to transmit to the Bank a daily list of the Warrants thus directed during the day to the Bank for payment. These regulations have been, and will continue to be uniformly complied with.

I am very respectfully, sir, your obedient servant,
JOHN CAMPBELL,

Treasurer of the United States.

S. JACOBSON, Esq. Cashier of the Bank of the United States, Philadelphia.

BANK OF THE UNITED STATES, }
December 9th, 1833.

Sir,

My absence from Philadelphia when your favor of the 23th ult. reached there, and much occupation since my return, have prevented an early reply to it. This I shall now make as briefly as possible. You account for the omission to give daily notice of what you have called the "Contingent Drafts," for \$2,300,000, by saying that you had agreed to give notice only of warrants, and not of transfer drafts. Now it cannot fail I think, to occur to you, that these "Contingent Drafts" are not in their nature at all Transfer Drafts in the sense hitherto understood, but are in fact mere warrants.

The Transfer Drafts, as you justly state, arise under that provision of the Charter which obliges the Bank, whenever required by the Secretary of the Treasury, to give the necessary facilities for transferring the public funds from place to place, within the United States or the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange. Accordingly the Transfer Draft was designed to direct the Bank to make transfers. Its very name imports it—its very words order it. It runs:

"Pay to ——— order \$ ——— to be placed to my credit in that ——— [office or Bank," as the case may be,] that is, it directs the Bank to place a credit in favor of the Treasurer in such other place—whether it be a Branch of this Bank, or a State Bank.

The Contingent Draft, although it is the same form as the Transfer Draft, has not one of its qualities. It is called a Transfer Draft—yet it directs nothing to be transferred—it is issued under a provision that the Bank shall transfer the public money from place to place, without charging for the rate of exchange, yet it is issued in favor of a Bank in the same place, not distant one hundred yards, and where no difference of exchange was possible. The arrangement of 1819, stipulates that a certain time shall be allowed for making transfers from place to place. But this Contingent Draft is immediate and peremptory, and admits of no delay. How nearly it resembles the ordinary warrant may be seen from their respective forms. The warrant runs thus:

"Pay to A. B. or order, out of the appropriation named in the margin \$ ———"

This Transfer Draft runs:

"Pay to A.B. Cashier of ——— or order \$ ——— to be placed to my credit in that Bank."

This Transfer Draft like the Warrant is endorsed in blank just as an ordinary check—it is in point of fact neither more nor less than a warrant at sight. The very name of a Contingent Draft is a financial novelty—and so far as is intelligible in this case, it describes an order for two millions three hundred thousand dollars on the Bank, not merely without notice of its existence—but with the strongest presumption against its existence, and dependence for its immediate presentation on the contingencies which the Bank did not know, and the Treasury could not control. Thus you state that the holders of these drafts, "were directed to give

the proper information to the Treasury if the drafts were intended to be used," yet in fact the holders could not themselves know whether they meant to present them an hour before the actual presentation. What I ventured therefore to state was, that while you professed to give notice, of the smallest demands on the Bank, you avoid giving notice of demands for between two and three millions of dollars, of precisely the same character, and the existence of which it was far more necessary for the Bank to know. But supposing all this to be exactly as you view it—supposing this Transfer Draft not to be in fact a warrant, and therefore not necessarily to be included in the daily list, one thing becomes inevitable. If this Transfer Draft is not a warrant, it cannot be denied that it is a Transfer Draft. Then, if it be not a warrant which must be put on the daily list, it must be a draft to be put on the weekly list. Now it was not put upon either. Neither the daily list which you sent for the purpose of protecting the Bank against frauds, nor the weekly list, which you considered as a matter of convenience to the Bank for general information, and on which you have always placed the Transfer Drafts, contained any notice whatever of these drafts. If it be true that you never put a Transfer Draft on the daily list, it is equally true, that until now, you have never designedly omitted one from the weekly list. So that by whatever names the drafts on the lists be called, the result is the same—that orders from the Treasury for the immediate payment by the Bank, of two millions, three hundred thousand dollars, have been issued without the habitual notice which has heretofore been always given of similar demands upon the Bank. Having thus for the sake of a clear understanding between the Bank and the Treasury, re-stated my views of the subject, I will only add, that I am very respectfully, your obedient servant,

S. JAUDON, Cashier.

J. CAMPBELL, Esq. Treasurer of the
United States, Washington, D. C.

From Poulson's American Daily Advertiser.

PHILADELPHIA BOARD OF TRADE.

JANUARY 1st, 1834.—A stated meeting of the Philadelphia Board of Trade, was held at the Merchants' Coffee House. THOMAS P. COPE, Esq. President of the Board, in the Chair, and a very large number of members present.

The annual Report of the Directors was read and adopted.

HENRY TROT, Esq. offered the following preamble and resolution, which were adopted with two dissenting voices.

Whereas, the Board of Trade was instituted by the Merchants and Traders of the city of Philadelphia, as a special guardian to watch over and protect the various interests which support and sustain their prosperity; and whilst it utterly disclaims any connexion with the politics of the country, either local or general, or any wish to subvert party purposes, it would prove recreant to the principles upon which it was founded, were it to shrink from an open and fearless expression of its opinions upon any great question which vitally affects the interests and prosperity of the Trade and Commerce of the country.

And whereas, this association has witnessed with deep concern the sudden change which has come over the community, and spread gloom and apprehension throughout the great interests which support its prosperity; and believing that this change cannot be ascribed to any other cause than the policy of the government towards the Bank of the United States, by which the pecuniary concerns of the country have been deranged to an alarming degree; and believing also that nothing will counteract these evils, and restore the confidence of the people in their future prospects but

the restoration of the Bank of the United States to the station it has heretofore held as an agent of the government.

Therefore, Resolved, That the Board of Directors be instructed to prepare and forward to Congress a memorial embracing the principles set forth in the foregoing preamble, and such other matter as they may think appropriate for the occasion.

The following named gentlemen were elected officers and directors for the ensuing year:

PRESIDENT—Thomas P. Cope.

VICE PRESIDENTS,

Mathew Newkirk, | Richard Price.

TREASURER—Thomas C. Rockhill.

SECRETARY—George W. Toland.

MANAGERS,

Robert Toland,	Hugh F. Hollingshead,
Caleb Cope,	John Grigg,
John Haseltine,	Richard D. Wood,
John S. Riddle,	Alexander Read,
Lewis Wain,	Edward Roberts,
William H. Hart,	Robert Patterson,
Wm. R. Thompson.	J. G. Stacey,
M. D. Lewis,	J. C. Oliver,
Evan Rogers,	Alexander Ferguson,
W. W. M ^r Main,	Frederick Fraley.
Thomas P. Hoopes,	

THOMAS P. COPE, President.

G. W. TOLAND, Secretary.

The Report of the Directors will be published in a subsequent paper.

From the Commercial Herald.

VESSELS.

The following table exhibits the number and descriptions of vessels built in this City, during the years 1829, 1830, 1831, 1832, and 1833. The increase of new tonnage this year, over 1832, is upwards of 1757 tons.

	<i>New Tonnage.</i>
1829—2 ships	723.71-95th.
8 brigs	1486.46
5 schooners	390.90
9 sloops	281.83
2 steamboats	641.51
	Total, 3,524.56-95th.
1830—2 ships	553.68-95th.
3 brigs	579.63
8 schooners	486.63
14 sloops	361.56
5 steamboats	608.51
	Total, 2,590.6-95th.
1831—5 ships	1936.79 95th.
4 brigs	859.20
7 schooners	392.39
10 sloops	336.23
	Total, 3,525.61-95th.
1832—4 ships	1733.42-95th.
2 brigs	300.46
6 schooners	482.71
11 sloops	516.85
1 steamboat	125.48
	Total, 3,159.7-95th.
1833—8 ships	3196.46-95th.
5 brigs	644.51
5 schooners	351.50
8 sloops	410.10
1 steamboat	314.29
	Total, 4,916.86-95th.

COMMERCE OF PHILADELPHIA.

We publish to-day a table showing the total number of arrivals at this port from January 1st 1786, to Dec. 24th, 1833, embracing a period of nearly 48 years (excepting however about six months of 1789, and the whole

of the years 1792 and 1793) the number of Foreign and the number of Coastwise arrivals, and also exhibiting every ten years, the number of the different classes or kinds of vessels that arrived that year. This table will enable the merchant to perceive at a glance, the comparative business of our city for any given periods, from the time of the adoption of the Federal Constitution down to the present. It has cost us much labor, but if it shall be considered of any value to the mercantile community, we shall not deem our time unprofitably employed in compiling it.

Year.	Foreign.	Coastwise.	Total.
1787	596	390	986
1788	411	490	901
1789	324	376	700
1790	639	715	1354
1791	595	853	1448
1792	—	—	—
1793	—	—	—
1794	618	1250	1668
1795	779	1228	2007
1796	858	1011	1689
1797	641	929	1570
1798	459	1002	1461
1799	443	825	1268
1800	536	1051	1587
1801	667	1125	1792
1802	653	1106	1760
1803	611	1064	1675
1804	498	1292	1790
1805	520	1235	1755
1806	704	1213	1917
1807	701	1170	1871
1808	298	1951	2249
1809	351	1683	2034
1810	405	1477	1882
1811	500	1425	1925
1812	323	1549	1872
1813	74	319	393
1814	43	583	626
1815	487	1113	1600
1816	538	1101	1639
1817	532	1238	1770
1818	576	1101	1677
1819	450	1046	1496
1820	479	877	1356
1821	441	913	1354
1822	494	1212	1706
1823	482	1018	1500
1824	501	981	1482
1825	484	1195	1679
1826	482	1195	1677
1827	469	1320	1789
1828	450	1247	2297
1829	374	2210	2584
1830	415	3287	3702
1831	396	3262	3658
1832	428	2849	3277
1833	465	2474	2940 to Dec. 24.

* From 1st August to 31st Dec, 1789.

Arrivals from	Ships.	Barques.	Brigs.	Schrs.	Polacres.	Sloops.
1790	144		321	252		637
1800	146	3	212	636	1	490
1810	130	1	236	787		666
1820	133	3	236	614		370
1830	97	4	387	2026		1128

MEMORIAL FROM STATE BANKS.

In the House of Representatives of the United States, on Monday last, Mr. BIXNEY presented the following Memorial:

To the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the undersigned, the Presidents of the State Banks located in the City and County of Philadelphia, acting under the authority of the Board of Directors of the several Banks,

Respectfully represents,

That they address themselves to your honorable bodies, as the Guardians of the general interests of the country, and as possessing alone the power of remedying the existing distress, and of averting the greater calamities which are obviously impending.

That one of the first blessings a nation can possess, is a sound and well regulated currency—the solid and sure reward of industry, and the uniform measure of property; and it was not the least among the many advantages anticipated from the Constitution, that the whole Union would, by the Legislative power, be relieved and preserved from the dangers and disgrace of a depraved and irresponsible circulating medium. Such a sound currency this nation has enjoyed, by means of the Bank of the United States, established by the wisdom of Congress: and the peculiar occupation of the undersigned justifies them in stating their conviction, that it is owing in a great degree to the judicious operations of that Institution, that for ten years past our monied system has been so perfect—and that whether its solidity, its adaptation to the wants of all classes of the community, its facilities for internal commerce, and its protection against the vibrations of foreign trade, be regarded, it has no superior in any country.

It is, therefore, with deep regret, that the undersigned are now constrained to inform Congress that, in their behalf, this system, with the signal prosperity it has produced, has undergone a sudden and painful change. The moneyed operations of our commercial cities are almost at a stand: the commerce between the states is again laboring under a tax, which must continue increasing, of a loss on all its exchanges; the circulating medium already begins to arrange itself on the scale of depreciation; while in the train of these evils, and not far behind them, may be apprehended still more disastrous results to the agriculture, commerce, and manufactures of the United States.

In looking for the cause of this state of things, the undersigned feel no difficulty in naming that which is at once obvious and adequate. On the 1st of October last, the whole moneyed system of this country commenced a total change. To the eye of a common observer, it seemed to be the mere transfer of the public revenue from one Bank to many Banks. But it was, in fact, the disorganization of the whole moneyed system, and the whole revenue system of the country. Until the 1st of October, the revenue paid by the whole country was diffused by the Bank and its branches throughout the whole community, to be used for the support of the industry of the whole, and gently recalled when needful for the service of the whole; while the Bank, as the common friend of all sound State Banks, uniting with and sustaining them, was enabled to supply an adequate circulating medium from its own resources, and to preserve in a uniform and sound condition the issues of the State Institutions. Now, the public revenue is no longer diffused throughout the whole Union; it cannot even be advantageously used where it is collected; and the Bank of the United States, whose expansive power and credit have been so frequently employed to relieve the community, must look necessarily and primarily to its own security.

Happily for the country, the remedy for this distressing state of things is as evident as the cause of it. The

undersigned do not hesitate to express their belief, that as the removal of the deposits of the United States from the Bank of the United States, is the real cause of this distress, so the restoration of them to that Institution is the real, and will be the effectual, remedy for them. With a view to remove from that measure all reasonable apprehension, the undersigned venture to request, *that the deposits of the public revenue now in the State Banks should remain with those institutions, until withdrawn in the course of the public service, or as the wisdom of Congress may please to direct; but that hereafter the accruing revenue of the United States should be collected and deposited in the Bank of the United States.*

And your Memorialists will ever pray.

JOSEPH P. NORRIS,

President Bank of Pennsylvania.

H. NIXON,

President Bank of North America.

JAMES DUNDAS,

President of the Commercial Bank of Pennsylvania.

L. LAMB,

President of the Mechanics' Bank.

ELIJAH DALLET,

President of the Penn Township Bank.

THOMAS CRAIGE,

President of the Manufacturers' and Mechanics' Bank.

J. SOLMES,

President of the Moyamensing Bank.

WM. MEREDITH,

President of the Schuylkill Bank.

SAMUEL HARVEY,

President of the Bank of Germantown.

J. Tagert,

President—By order of the Directors of the Farmers' and Mechanics' Bank.

The Memorial was read and referred to the Committee of Ways and Means.

REPORT

OF THE CANAL COMMISSIONERS,

Relative to the extension of the Pennsylvania Canal.

Read in the House of Representatives, December 19th, 1833.

*Canal Commissioner's Room, }
Dec. 19, 1833. }*

WILLIAM PATTERSON, Esq.

Speaker of the House of Representatives.

Sir:—I have the honor of inclosing a report made by the Canal Commissioners, in obedience to four resolutions of the House of Representatives, adopted on the 9th, 10th and 11th instant, in relation to the extension of the Pennsylvania Canal.

I am yours respectfully,

JAMES CLARKE.

President of the Canal Commissioners.

To WILLIAM PATTERSON, Esq.

Speaker of the House of Representatives.

Sir:—In obedience to four resolutions which were passed by the House of Representatives, on the 9th, 10th and 11th of December, instant, "requesting the Canal Commissioners to report to the House their opinion as to the advantages the state would derive from the extension of the Pennsylvania Canal to its original contemplated termination, and connexion with Lake Erie, at the bay of Presque Isle." And "and as to the advantages this state would derive from a connexion of the Pennsylvania and Ohio Canals, by a cross-cut from Akron on the Ohio Canal, along the valley of the Mahoning, to the Pennsylvania Canal." And also, "of the advantages to be derived by this state, and the expediency of adopting speedy measures to connect the Pennsylvania Canal at or near Pittsburgh, with the state

improvements on the Beaver division; together with their views of the important bearing which this connexion holds in reference to a junction (under existing provisions) with the Ohio Canal, and with the extension of the Pennsylvania Canal to the town of Erie." And likewise "of the expediency and necessity of constructing a navigable feeder for the Pennsylvania Canal from the Allegheny river, above the mouth of the Kiskiminetas." The Canal Commissioners respectfully submit the following Report.

A Navigable Feeder from the Allegheny river to intersect the Pennsylvania Canal at the north west end of the aqueduct near the mouth of the Kiskiminetas, would be a valuable improvement for the following reasons. 1st. The Canal has now to be fed with water from the Leechburg Dam, in the Kiskiminetas (which dam is 23 feet high above low water mark) to Pittsburg; being about 36 miles in distance, including the two Branches into the Allegheny and Monongahela rivers. In the months of August and September last, the Kiskiminetas river become so low that for a few weeks, a full head of water could not be maintained in the Canal.—What has happened may again take place during a very dry season; and that too, at a time when an immense increase of trade will require a corresponding increase of Lockage water.

A feeder from the Allegheny river would not only release the Kiskiminetas from supplying 30 miles of the canal below the junction, but in case of much leakage through the high dam at Leechburg—it would assist the navigation on the same level for 12 miles above the junction. Hence for this reason alone, such a feeder is very desirable.

2d. Such a feeder would be a guarantee against any very serious interruption of the trade on the main line, in the event of the failure of the great aqueduct over the Allegheny river, at the mouth of the Kiskiminetas. But without the feeder a breach of that aqueduct would render the 73 miles of canal below Blairsville wholly useless for the great Western Commerce.

3d. The feeder would be from 13 to 16 miles long, depending upon the site chosen for a dam in the Allegheny river, and in either case would, with the pool of the dam, give an artificial navigation of about 20 miles. This improvement would accommodate some valuable salt works, and unite Kittanning, the county town of Armstrong county, and the surrounding country more closely with the Pennsylvania Canal, and it would also be a link in the chain of future improvements for connecting the main line of canal with the French Creek division.

4th. Should the Canal be continued from the present termination of the Western division in Alleghenytown to connect with the Beaver division, this feeder will be indispensable. A survey was made by Mr. Gay in 1828 of the Allegheny river from the mouth of French Creek to the mouth of the Kiskiminetas. Two sites were selected by him for dams in the river. One of which is near Kittanning, and the other one is three miles below that town. From the lower site he located a canal on the East side of the river about 13 miles to form a junction with the main line at the south east end of the large aqueduct. The estimate for erecting a dam in the Allegheny and constructing a canal from thence to the aqueduct was \$250,208 80. As no satisfactory survey has ever been made on the west side of the river where a navigable feeder should be constructed the Canal Commissioners are unable to give an estimate of its cost.

A connexion of the Western and Beaver Division of the Pennsylvania Canal has been an object of much solicitude. Three modes have been proposed for forming the connexion.

1st. By a rail-road. This plan of uniting the two parts of the Canal is believed by the Canal Commissioners to be inexpedient, if not inadmissible. Because the construction of a good rail-road, with double tracks,

will cost twice as much as a good canal. Because heavy articles such as iron, coal and agricultural productions can be carried for half the sum (toll included) on a canal, that their conveyance will cost on a rail-road. And because it would subject the north western trade to a double transhipment, which an inability to secure a continuous water conveyance could alone justify.

2nd. By improving the channel of the Ohio river and employing steam boats for towing canal boats between Beaver and Pittsburgh. This plan is at least plausible and is recommended as being much cheaper than any other project heretofore suggested for accomplishing the desired object.

The canals of Pennsylvania will be unobstructed by ice from nine to ten months of the year, and the Ohio river is at all times open during canal navigation. In ordinary seasons steam boats of 80 to 100 tons are not prevented by low water more than from three to four months from visiting Pittsburgh. But in very dry years, such as last summer, west of the mountains there is about five months that such steam boats cannot run on the upper part of the Ohio river. Last summer a small steamboat rated at 45 to 50 tons burden plied daily between Pittsburgh and Beaver, except about six weeks at the lowest stage of water, and she always took in tow a keel or Durham boat carrying from 10 to 20 tons of loading. Hence it is believed by well informed persons, that \$60,000, expended in erecting brush wing dams in the Ohio, and clearing out bars at the ripples would secure an uninterrupted navigation for canal boats, and no other improvement is necessary. It is also worthy of remark that the boat channel through almost all the ripples between Pittsburgh and Beaver is near the north shore of the river, and hence the formation of a towing path along the river bank has been proposed as a means of enabling those who are engaged in canal transportation to use their own horses, instead of subjecting them to the necessity of employing a steam boat to tow them up the river.

3d. A canal from Pittsburgh to Beaver. Notwithstanding the cheapness and apparent feasibility of the project for improving the channel of the river and using steam boats; or constructing a horse path, along the river bank for towing canal boats, yet the plan of uniting the Beaver and western Divisions by an independent canal is in the opinion of the Canal Commissioners decidedly preferable. The great interests involved in the improvements already made and in the contemplated extension of the Pennsylvania canal to Lake Erie, will, within a short period, require this link in the north western chain of communication to be completed.

Punctuality is said to be the life of business; but to be punctual to engagements requires *certainly* in the means by which those engagements are to be fulfilled. Therefore in a contest for the rich trade of the west, and north west, we should if possible, avoid all risks or delays, and consequently broken voyages, that may arise from either floods or low water, by having continuous canals from the Allegheny mountain to Lake Erie, and to the Ohio river below its principal obstructions. And hence the extension of the western division of the canal to Big Beaver will become necessary.

On the 10th of January 1827, an act was passed by the Legislature of the State of Ohio entitled an "act to incorporate the Pennsylvania and Ohio Canal Company," which act was approved and ratified by the Legislature of Pennsylvania, by an act passed on the 14th day of April 1827.

The second section of the above act authorises the corporation to "construct and forever maintain a navigable canal, &c. commencing at such suitable points on the portage summit of the Ohio Canal as the Ohio Canal Commissioners shall direct, thence to the waters of the Mahoning river, and thence to meet or intersect the Pennsylvania or Chesapeake and Ohio Canal at or near the city of Pittsburgh in the State of Pennsylvania with liberty in case that either of the said canals shall

be continued from Pittsburgh down the Ohio river, and up the valley of Big Beaver towards Lake Erie; then to intersect either of said canals constructed as aforesaid at the most suitable and convenient point." And the 23th section of said act provides "That if the corporation hereby created shall not within ten years from the time of the taking effect of this act, construct, finish and put in operation the canal hereby contemplated &c. then the said corporation shall henceforth forever cease, and their charter be forfeited."

It will be readily admitted by the advocates of internal improvement, that a union of the Ohio and Pennsylvania Canals, as contemplated in the act incorporating a Company to make the Cross-cut canal, will be highly beneficial to both States. But by the terms of the act, their charter will be forfeited in ten years from the date of its ratification, by the Legislature of Pennsylvania, unless they "construct, finish and put into operation, the canal hereby contemplated," that is as recited in the act, to a point "at or near the city of Pittsburgh." And hence if they wish to save their charter, they must carry their canal to Pittsburgh, and occupy the very ground that is necessary, for connecting our own Western and Beaver divisions, of the Canal.—The corporation, are however, at "liberty," to intersect the Pennsylvania Canal, "at the most suitable and convenient point," if it "shall be continued from Pittsburgh, down the Ohio river, and up the valley of Big Beaver, towards Lake Erie." Pennsylvania, has constructed a canal "up the valley of Big Beaver, towards Lake Erie;" and it requires her to continue the western division, "from Pittsburgh, down the Ohio river" to Big Beaver, to enable the corporation to proceed with their improvement, by releasing them from the obligation to extend their canal to Pittsburgh, which is about 50 miles from "the most suitable and convenient point" of connecting it with the Beaver division.

The act of the Legislature of Pennsylvania ratifying the law of Ohio, which incorporates the Pennsylvania and Ohio Canal Company, provides: "That it shall not be lawful for said company to commence the said Canal in Pennsylvania, until after the Board of Pennsylvania Canal Commissioners, shall have fixed the point for the eastern termination thereof; and the said Board are hereby authorized on application made for that purpose by the said company, to determine and fix the point of termination of said canal, as may be deemed most advantageous to the public. But the act of Ohio, had fixed the termination to be "at or near the city of Pittsburgh;" unless "the Pennsylvania canal, or Chesapeake and Ohio canal, shall be continued from Pittsburgh, down the Ohio river." And hence the Canal Commissioners believe that this provision in the act of Pennsylvania, is nugatory, for if the Commissioners fix the point of termination at any place short of a point "at or near the city of Pittsburgh," then the act of Ohio, cannot "take effect and be in force," as it expressly makes the construction of a canal "from Pittsburgh, down the Ohio river;" a condition which we apprehend the Legislature of Pennsylvania had no power to alter, although they had a right to refuse their assent or to make another termination of the Pennsylvania and Ohio Canal a condition of that assent, which condition must be ratified by the Legislature of Ohio, before the canal from "Pittsburgh down the Ohio," can be dispensed with.

In 1827, Doctor Whippo, made a survey and estimate for a canal from Pittsburgh, by the Ohio, Big Beaver and Shenango to Lake Erie at the harbour of Presque Isle, in which he makes the distance from the termination of the Western division of the Pennsylvania canal, in Alleghenytown, to the mouth of Big Beaver 25 miles and 208 perches and he estimates its cost of construction at \$263,821 22.

A cross cut canal from Akron on the Ohio canal along the valley of the Mahoning to the Pennsylvania canal, would in the opinion of the Canal Commissioners,

as already stated, be highly beneficial to both states. It would open a direct, safe, cheap and expeditious channel for the citizens of Ohio, to send their agricultural productions to a market on the seaboard, and enable them in return to receive merchandize from the east. It would open an extensive outlet for the Salt, Iron, Marble, &c. of Pennsylvania, and greatly increase the trade and manufactures of Philadelphia and Pittsburg.

It would by the additional commerce thrown upon the Pennsylvania and Ohio Canals, give activity to trade, employment to capital, and business to merchants, traders, and boatmen, and consequently, it would stimulate and promote the great primary interest of agriculture; and it would contribute largely to swell the streams of revenue flowing into the coffers of the Commonwealth, from canal tolls, auction duties, Bank Dividends, Shopkeepers' licenses, &c.

In a report made by the Canal Commissioners of Ohio, to their Legislature on the 17th of January, 1828; they remark that "through the northern part of the Ohio Canal, the proposed Pennsylvania and Ohio Canal, and the Pennsylvania Canal, a direct intercourse between the great Lakes of the North West on the one hand, and the Delaware and Chesapeake bays and Atlantic Ocean on the other, will be carried on to an immense extent. And they add, "should the Pennsylvania and Ohio Canal be completed, we shall see an active commerce carried on between the city of Pittsburg, on the one hand, and the country bordering on the Ohio river, below the mouth of Scioto, on the other, through that canal and the Ohio canal, during those seasons when the water in the upper part of the Ohio river, is too low for steamboat navigation." These enlightened views of the Ohio Canal Commissioners, taken six years ago have our cordial approbation. The extensive trade carried on, on the Ohio canal since it was finished, and the near completion of the main line of the Pennsylvania improvements, has magnified the importance of the proposed cross-cut canal, and rendered it an object of peculiar consequence at present.

Should the western division be extended to Big Beaver, and the Beaver division be continued to the Ohio line, every ton of goods passing through the cross cut canal, bound to or from Philadelphia, (except what would pass through the Union and Schuylkill canals, would be carried four hundred and fifty-four miles on our state improvements, and pay from \$7 50 to \$12 50 toll into the State Treasury. Hence a company starting two boats from each end of the line daily, each one carrying only 25 tons, would pay \$1,000 of toll per day, or from \$200,000 to \$250,000 during the season of navigation every year. There are eight daily lines of boats, regularly employed on the New York canal, between Albany and Buffalo. It is, therefore, thought that the above is a moderate estimate for the increase of trade that will be created by the construction of the cross cut canal. In last September, while the Board were examining the public works in the western part of the state, two of the members went up the valley of the Mahoning, and along or near to the proposed route for the cross cut, to Akron, on the portage summit of the Ohio canal. And it is, in their opinion, the most favorable ground along the whole route for constructing a canal that they have ever seen. With an ample supply of water that can conveniently be brought to the summit level.

A survey was made by Seabred Dodge, Esq. in 1827, of so much of the route of this proposed canal, as is within the limits of the state of Ohio. From which we learn that

	Miles.	Per's.
From Akron, on the portage summit of the Ohio canal to the Pennsylvania line, is	75	292
Cuyahoga feeder,	7 64	

Three other feeders,	4 64	11 128
Aggregate length of canal and feeders,	87	100

The estimated cost is as follows:

Cost of main line from Akron to the Pennsylvania line,	\$683,762 69
Feeder &c. from Cuyahoga,	\$50,932 95
Three other feeders and reservoirs,	29,677 34
	80,610 29

Aggregate cost of canals, and reservoirs and feeders, \$764,372 98

The whole amount of lockage is 343 feet.

The Board are not in possession of any survey or estimate of the proposed canal from the Ohio line to its junction with the Beaver division, but from the character of the ground they believe that its cost per mile will not exceed the average expense on the other part of the route. The distance is said to be about twelve miles.

Impressed with the importance of this canal, the canal commissioners have no hesitation in recommending the extension of the Beaver division to the Ohio line, at the expense and for the benefit of the commonwealth. And thus avoid collisions that may arise from a corporation acting within the limits of our State; but under an authority beyond the control of the Legislature of Pennsylvania.

In answer to the resolution of the House, requesting the opinion of the canal commissioners as to the advantages the state would derive from the extension of the Pennsylvania canal to its original contemplated termination of connexion with Lake Erie, at the Bay of Presque Isle, the Board reply that they believe that the state would derive many advantages from such an extension of the canal.

The amount of commerce on the lakes is becoming immense, and is from year to year increasing with a rapidity that is truly astonishing. A few facts will illustrate its condition and importance. In 1828, about 4500 tons was the aggregate burden of all the vessels of every description navigating the lakes. But their aggregate burden at this time amounts to 15,690 tons, including more than 20 steamboats, many of which are of the largest class, and all of which have constant and profitable employment.

In 1829, the amount of merchandize sent westwardly from Buffalo was 7150 tons, but the estimated amount for the present season is 12,000 tons.

The trade of the lakes has doubled within the last five years, and it will continue to increase in a compound ratio, as the western wilds round the sweeping shores of the inland seas of North America become settled, cleared and cultivated. It has been estimated that about 60,000 emigrants have passed from Buffalo up the lakes during the past season; and this tide of hardy enterprising citizens will continue to flow on until the present outlets of the Lakes through the New York and Welland canals can no longer vent their surplus products, or return their supplies of merchandize.

From the rapidity with which the "great West," is settling this trade, large as it is at present, must increase ten-fold in a short period. But even a moiety of its present amount secured to Pennsylvania, and her commercial cities, would we conceive, justify the Legislature in extending the canal to the Bay of Presque Isle.

If the canal was made the proximity of Pittsburg to Erie it would secure her an advantage over all domestic competition in vending her numerous manufactures. And Philadelphia could at all times compete successfully with the city of New York, in bidding for the trade of the upper Lakes. There are, however, still stronger inducements to making an exertion to secure

this trade. It is well known that the accumulation of ice at the lower end of Lake Erie in the spring, blocks up Buffalo harbour until the active business season of the year is far advanced; and that the want of sea room near the lower end of the lake, renders navigation extremely dangerous during the prevalence of the fall winds; while the unrivalled harbour of Erie is easy of access at almost all times during the season of navigation. And hence the Pennsylvania canal would enjoy a monopoly of the lake trade for two months in the year, and that too, at the times of its greatest activity. In the month of September last, while the canal commissioners were on their western tour, one of the members passed along the contemplated route for a canal from New Castle to Conneaut Lake, (another member of the board had previously passed twice over the route.) From Meadville the Board went by the Waterford route to Erie, to view the canal basin constructing at that place at the expense of the State, and they returned to Conneaut Lake by the Elk creek route. The country along each of the routes presents the usual facilities for constructing a canal; and some of it particularly along the the Shenango between New Castle and Conneaut lake is highly favourable.

In 1827, a survey and estimate were made by Dr. Whippo, for a canal from Pittsburg by the Beaver and Shenango to Conneaut lake, from which we obtain the following result.

From the present termination of the improvement on the Beaver division, at the head of slack water made by the Shenango dam to Conneaut lake, is 64 miles and 80 perches, with 248 feet of lockage, and is estimated to cost \$392,796 74.

In 1827, a survey and estimate were made by Major D. B. Douglass, for a canal from the present termination of the French creek feeder at the south end of Conneaut lake by the Elk creek route, to the Bay of Presque Isle, at the town of Erie. By which it appears that the length of the canal would be 47 miles and 140 perches, and the lockage is 507½ feet. He estimated the cost of the improvement at \$835,320 63. In 1827, a survey and estimate were also made by Dr. Whippo, for a canal from the commencement of the French creek feeder at Bemus' mill, above Meadville, by the Waterford route to Erie harbour, which shews

	Miles.	Perches.
The length of the main canal is	45	272
A feeder from French creek,	7	60
Aggregate length of canal and feeder,	53	12

It would have 773 feet of lockage.

Estimated cost of canal,	\$386,945 55
do. do. feeder,	29,065 14

Cost of Canal and Feeder,	\$416,010 69
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While on the subject of an extension of the Pennsylvania canal to the harbour at Erie, the board cannot in justice to themselves, avoid saying that there is some doubts still remaining on their minds about the supply of water being adequate to the demands of an active trade on either of the proposed routes in a dry season, without the aid of reservoirs. And consequently the cost of constructing suitable reservoirs should be added to the estimated cost of the canal. With respect to the several estimates in this report, the board have to remark that those made by Dr. Whippo, contemplated locks to be built entirely of wood, which were estimated at \$150 per foot lift. This sum is entirely too low for such locks as the board believe ought to be constructed. It has also been proved by experience, that the actual cost of constructing the public works of Pennsylvania, have invariably much exceeded the estimates which were made at the commencement of our improvement system. In several instances the cost of construction has been double, and in some cases treble the amount

of the original estimate. This has arisen from a desire in the first instance to build the works on the cheapest plan that would answer the purpose of navigation—thus sacrificing safety and durability to a mistaken economy; and from the great number of public works in progress in the United States, which raised and kept up the wages of labor. And also from the engineers not making sufficient allowance in their estimates for the innumerable contingencies to which works of such magnitude along our large rivers are liable.

All which is respectfully submitted.

JAMES CLARKE, President
Board Canal Commissioners.

The President and Managers of the MINE HILL AND SCHUYLKILL HAVEN RAIL ROAD COMPANY, respectfully represent the following as their Annual Report to the Stockholders.

The season which has just terminated affords additional evidence of the value of the Company's Rail Road to that portion of the Schuylkill Coal region through which it passes, and of the certainty of its yielding a progressive increase of revenue to the Stockholders. Notwithstanding the discouragements under which the coal trade was prosecuted during a part of the season, an amount of tonnage passed over the road exceeding that of the preceding year, 11,652 tons—an excess would have been greatly increased if the market, during the closing months of the season, had not been deadened by the apprehension of an over supply, and by the embarrassed state of trade in general.

The operations of the company during the past year, commenced on the 1st of April, and ended on the 7th of December, during which time 1501 tons of miscellaneous tonnage, and 75,570 tons, 16 cwt. of coal were transported over the Company's road, being nearly one-third of the whole quantity brought down the Schuylkill to the Philadelphia market.

The revenue which the Company has received during the past season, (derived wholly from tolls,) is \$17,193 38, or nearly 9½ per centum, on \$182,450, the present amount of the capital stock of the Company, which has not been increased since the opening of the Road for public use, in June, 1831.

During the year just terminated, the Board of Managers have completed the additional mile of double track rail road, on the W. West Branch, commenced the year previous; and have caused drains to be made along the course of the road, where they were needed, and have incurred other expenses in the permanent improvement of the road, amounting altogether to \$4819 19. To meet this expenditure, the surplus money in the Treasury, at the commencement of the year, and of tolls subsequently received, (besides paying current expenses, and the two semi-annual dividends of 4½ and 4 per centum each,) will be adequate; with the addition of a small sum (not exceeding \$1000) which the Board of Managers believe can, without inconvenience, be taken from the receipts of the ensuing season.

The experience of the past year has shown that the increased amount of transportation on the Rail Road to Schuylkill Haven, from the junction where the coal trade of the West and W. West Branches unites; will expose the heavy track of that section of the road to an earlier deterioration than any other part of it. The Board of Managers have already had in consideration, the best manner of improving, or of renewing, the portion of the road alluded to, and they flatter themselves that without any material addition to the capital already expended, it will be in their power to make that and such other substantial improvements in the Company's roads, as shall render it as perfect as the nature of the work will allow.

In the present depressed state of trade in general, it is difficult to form an accurate estimate of the probable

amount of revenue to be received by the company during the approaching season. The Board of Managers cannot however, suppose that any embarrassments in the coal, or the general trade of the country, can reduce the amount of the transportation over their road below that of the past year; they rather believe in the probability of a small increase.

Signed by order of the Board of Managers,
TIMOTHY CALDWELL, President.
Philadelphia, Jan. 2d, 1834.

From the York Gazette.

CODORUS NAVIGATION.

We are enabled this day to be the medium of pleasing intelligence to those interested in this work, by announcing its completion. Yesterday the first ark arrived here out of the Susquehanna, loaded with forty thousand feet of boards and upwards of one hundred persons, who had gone out to witness the opening scene of our navigation. The ark was built at Tioga Point, in the State of New York, navigated to Middletown, where it was purchased by Messrs. Jones, Schall and Meredith, dropped down to Eib's Landing there loaded with lumber, and thence through the Codorus Navigation brought to this borough. This specimen of the capacity of the work must satisfy all who have witnessed it, that as an avenue for the trade of the Susquehanna, it could give employment to two rail-roads, which might be made to diverge from it in any direction. There will always be water sufficient to bring up between thirty and forty arks every day and each ark carrying from 60 to 70 tons, or as much drawn in this way by one horse, as it would require a hundred horses, in waggons to draw from the banks of the Susquehanna to this place. There is nothing required now, but a few outlet or inlet locks into the Pennsylvania Canal, opposite Yorkhaven and at Columbia, to connect this place with the canals and rail-roads of the state. Arks may now load with whiskey or other produce, and start from Mainstreet Bridge in York, and proceed either to the Philadelphia or Baltimore market.

THE REGISTER.

PHILADELPHIA, JAN. 11, 1843.

During the week we have had snow sufficient to furnish sleighing for about 24 hours. The ground is still covered, and another snow storm has commenced. There has been much floating ice in the rivers.

In our present number will be found an interesting account of some experiments on the Delaware and Chesapeake Canal, in relation to the use of steamboats; by Professor Bache.

DIVIDENDS FOR SIX MONTHS.

Fire Insurance Co. of the Co. of Philadelphia,	2½ per cent.
Schuylkill Permanent Bridge,	4
Pennsylvania Life Insurance Co.	3
Lehigh Coal and Navigation Co.	3
Bank North America,	3
Union Insurance Co.	5
American Insurance Co.	5
Bank United States,	3½
Trenton Bank,	1 25 per share.
West Chester Rail Road,	3

New Castle and Frenchtown Turnpike,

6 per cent.

The occurrence of so destructive a fire, as to amount, has seldom occurred in Philadelphia, as that of which the following is an account. Some injury was also sustained by fire at the Pennsylvania Hospital on the morning of the 9th, occasioned by a furnace.

From the United States Gazette.

DESTRUCTIVE FIRE.

About 8 o'clock on the morning, of the 7th, stores No. 36 and 37 south wharves, occupied by Messrs. J. G. & D. B. STAGER, & Messrs. S. MORRIS, WALN, & Co. were discovered to be on fire. We understand that the fire was discovered by the young man while attending to open one of the stores. The engines and hose carriages were brought to the scene of conflagration with the customary activity of our firemen: but as the roof of the building was slated, and the doors and window shutters completely covered with strong sheet iron, it was long before the engines could be brought to play directly upon the fire. One intrepid fireman ascended a piazza, and with an axe proceeded to force open an iron bound door. He was admonished of the imminent danger of his situation, when the smoke proceeding from the saltpetre and other articles in the fire, should reach him, he nevertheless persevered, and when the volume of smoke met him, it was almost overpowering. He escaped however, uninjured, and proceeded to the other labours of his company—these were onerous enough. Water in numerous streams poured upon the fire, and the hose were laid from Walnut below Third street to the immediate vicinity of the flames.

The immense amount of merchandize, and its particular kind, viz. saltpetre, brandy, coffee, &c. rendered it impossible to save the buildings, or any considerable portion of their contents.

Between 9 and 10 o'clock, the heat had obtained full mastery over the contents of the stores, and the roof had fallen in. The casks of liquor and kegs of saltpetre then began to burn, and for a long time there was a continual explosion, like the sound of heavy cannon, shaking windows of the neighbouring buildings, and sending forth immense columns of smoke, that rolled off in massy volumes. Could the appearance of these clouds have been separated from their melancholy cause, they might have been pronounced splendidly magnificent.

The Mariner's Church is immediately in the rear of the buildings burnt, yet it escaped all injury excepting a good soaking, and the stores above and below the fire are not hurt. The efforts of the firemen were unremitting for about five hours. The exact cause of the fire has not yet been ascertained. The amount of property destroyed is variously estimated, at from \$80,000 to 120,000, which we believe was fully insured.

Between 3 and 4 o'clock, P. M. the firemen were again called to put out the fire, which had rekindled in the same place.

We understand that the books in both stores were saved. A young gentleman named W. P. LONG, at an imminent risk of his life, opened the fire proof in the Messrs. Stacey's counting room, and took the books therefrom. Mr. Allen saved the books in the other store. Exertions such as have been used by the firemen at this fire, would have earned unfading laurels if made in the field of battle.

The firemen were summoned again to the place of the conflagration, about six o'clock last evening; indeed we believe very many of them were on the ground nearly twelve hours, in which time only a part of them received refreshments. It will be seen that some were kindly entertained by the neighbours.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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SCHUYLKILL NAVIGATION COMPANY.

Report of the President and Managers of Schuylkill Navigation Company, to the Stockholders,—January 6, 1834.

The return of the season which begins a new year, calls upon the President and Managers for an account of their stewardship during that which is past, and they have great pleasure in exhibiting to the Stockholders a state of affairs quite equal to the expectations held forth in the Report of January, 1833.

The tolls exceed very considerably the tolls of the preceding year. This has arisen not only from an increase of the quantity of coal brought to market, but from the opening of the business upon the Pennsylvania Canals; which, though very limited in comparison with what it will hereafter be, has added materially to the transport of the Union Canal, and consequently caused a corresponding advance on our own.

The Board were accordingly enabled to make a larger dividend in August than at any former time, and they anticipate one in February of nearly equal amount to that in August. It ought to be observed, that the dividends of the income of the year 1833 are made on a larger number of shares than in any preceding year, owing to the conversion of the six per cent loan under the right reserved to the holders by the original terms of the loan; thus, in August 1833, the dividend was made on 27,426 shares, in February 1833, on 31,786 shares, and the dividend next to be made will be upon 32,802 shares. Of the convertible loan there remains unconverted only the sum of 14,500 dollars, equal to 290 shares, which, added to 32,802, gives 33,092 shares—the greatest amount there can hereafter be from this cause.

That the dividend was not still greater, is to be ascribed not only to the cause just stated, but also to the heavy expenses necessarily incurred in the course of the year. Of these expenses a part may be considered as extraordinary, and a part as permanent. To the former description belongs what has been expended upon twenty two of the old locks, which had been in use from the commencement of the work, and were found to require new lining, new sleepers, new floors, and new gates. They have been thoroughly and effectually repaired, and will want but little more done to them for many years to come.

In the latter description of the expenses of a permanent nature, is comprehended the cost of lamps and oil, at the different stations referred to in the last report; and it includes also, the wages of an additional number of lock tenders,—become necessary in consequence of doubling the locks, and the increase of the trade, as well as to provide for the passage of boats during the night, which is now of continual occurrence.

The augmentation of business upon the Navigation, while it adds to the income, will have the effect also of increasing the current expenses in a ratio to be governed by the cost of the additional facilities rendered necessary, and the increased wear of the destructible parts of the work from more severe service. Such has already been the experience of the Company, and such of course it must continue to be. But as the added expense (where it is not influenced by accidents) will

bear but a small proportion to the added revenue, even the increase of the ordinary expenditure becomes an evidence of growing prosperity.

The Board, perhaps, without impropriety, might have averaged what has been termed the extraordinary expenditure, upon a number of years to come, according to the probable duration of its benefits, as in truth the work is done for all those years; but having hitherto scrupulously, and without exception, adhered to the rule of paying the year's expenses out of the year's income, and dividing only the nett balance, they thought it best in this instance to allow of nothing which might seem to be a deviation from a system essentially right, and recommended by its clearness and simplicity.

As far as the future has been thus provided for, the Stockholders will have the full advantage of it.

In conformity with the directions of the Stockholders, the Board have steadily proceeded to improve the facilities of the trade, by doubling the locks where there are two or more combined; and have the satisfaction to report, that the following new locks have been completed, or will be in readiness for use, at the opening of the navigation in the spring, that is to say,

One lock at Fair Mount.

Two locks at Plymouth.

Two locks at Norristown.

Two locks at the Oaks Canal.

One lock at Shoemakers, on the Hamburg Canal, and also one lock at Port Clinton, where it was found necessary to build a new lock sooner than was intended, as the old one was found to be defective.

The Reservoir at Tumbling Run has been completed; it is capable of holding 41½ feet of water in depth, and is of such extent as will ensure a supply of water for a considerable time. In the purchase of land lying on that stream, a sufficient quantity was secured to allow of forming two more reservoirs of not less dimensions; but every day's experience encourages the Board to believe that these reservoirs will only be needed in the driest seasons. During the last year, there was not a moment when the water did not run over all the dams, notwithstanding the great demand from the increase of the trade.

The works are becoming every day more solid, and while the increased facilities by doubling the locks will save time, the deepening of the channels will enable the boats to carry much larger cargoes than heretofore, and the contraction in width of the locks will save water in passing them.

The new works at Reading were so far prepared as to be open for navigation on the 14th of June last. They have been found most completely to realize the expectations formed of the advantages to be derived from their completion, not only from their own intrinsic excellence, but from removing a source of great embarrassment to the navigation, by interruptions to the trade, and of constant expense to the Company for repairs to the old line, caused by breaks, in consequence of its passing over a limestone formation.

The towpath in the river in front of Reading was not then finished, but it is now ready for use; so that some necessary clearing out of the channel at Reading, which can be done during the winter, and some small matters at the different locks on that line, are all that remain

to perfect this important link in the chain of our communication.

In addition to the locks before mentioned, as being completed, there are two locks in progress at the Vincent Canal, which probably will be ready in July next.

When the Board submitted to the Stockholders their estimates for the completion of the works, they supposed that the liberal grant of three hundred thousand dollars would be sufficient for doubling all the locks, where there was more than a single one, including those at the following places, viz:

Fricks on the Grard Canal,	two locks.
Kern's Canal above Hainburg,	two locks.
Tunnel Canal,	two locks.

Bridge Canal near Mount Carbon two locks; but they find that the means thus afforded are not sufficient to execute the entire plan, and therefore, at the points just mentioned, nothing has been done.

Several causes have concurred to produce this result: among others, the Reading Improvement, from a desire to make it more than usually strong—from the delays and losses incident to unusually frequent freshets in the river, and from heavier damages being allowed to individual claimants than was anticipated, has exceeded the estimate many thousand dollars.

The cost of the new locks, built in 1833, has been greater than was estimated, owing to their being made of cut stone with hydraulic cement, instead of rough stones lined with plank. The Board were induced to incur this additional expense, from observing, during the last winter, that the old locks, built in the least costly manner, required so heavy an outlay for repairs. They were, therefore, compelled to believe, that the most economical course in the end would be to build well at first, even though at a greater cost.

The new locks are of the most solid character, equal to any in the country.

An additional expense was also incurred at Fair Mount, arising from the costliness of the Coffor Dams, necessary in tide water, and from heavy rock excavations.

Of the loan of \$300,000, authorized at the last annual meeting, \$256,380 have been raised at five per cent interest, with a premium to the Company of four and a quarter per cent.

At their last annual meeting, the Board were requested by the Stockholders "to consider the propriety of employing two or more engineers, who shall separately and independently of each other, be instructed to report in detail, the present state of the works of the Company, the improvements which may be made thereon, the reservoirs of water for the navigation, and whether any property should be purchased for reservoirs for the use of the navigation or other purposes, and generally on all such matters as may extend the navigation in the greatest possible degree for the tonnage to be passed, and of facilitating the conveyance by double locks or otherwise."

This request has had the respectful consideration of the Board, but it has been only partially carried into effect. An examination has been made by the Company's engineer of a site proposed to the Board for a Reservoir on Mill Creek, which resulted in a conviction that it was not suitable for that object. No inquiries were made under the other branches of the resolution, as it was perceived that the work then in progress, under the direction of the Stockholders, would absorb all the funds at the command of the Board, and that until the completion of the doubling of the locks, in pursuance of that direction, it must necessarily be unsatisfactory, and would only embarrass the proceedings of the Board.

The quantity of coal shipped from the Schuylkill mines in 1833, was tons 250,583

There was received by the Schuylkill, from the Union Canal, 2,383

The Lehigh mines sent to market,	123,000
The Lackawanna do.	112,000

Making a total of tons 487,971

At this early day it is impossible to say what will be the consumption; but from past experience of the regular increase in the demand for coal, and from its present low price, it may be anticipated that not much will remain over when the season shall arrive for the trade resuming activity.

Of the quantity which left the Schuylkill mines, there were delivered at places above Philadelphia, tons 19,432

The amount in 1833 of toll on coal, was	\$228,138 63
And on other articles,	97,348 00

Making the total receipts in 1833 \$325,486 63

Of these tolls there was from the ascending trade	\$61,743 63
And from the descending trade	263,743 00

The whole tonnage conveyed in 1833, was	tons 445,849
Of which belongs to the ascending trade,	tons 84,795
Do. descending do.	tons 361,054

The tolls derived from boats which entered the Union Canal was	\$22,589 71
Do. from thence	20,428 47
Total,	\$43,018 18

The amount of rents received in 1833, from real estate, from ground rents and water rents, was \$12,473 41

And the arrears amount to 6,657 29
The income from rents in 1834, is estimated at 17,648 00

The Board beg leave to offer the following as part of their report, viz:

No. 1. A tabular statement of the business of the Company since its commencement, showing the quantity of coal transported, the amount of rents received, the toll on coal and other articles.

No. 2. A general statement, showing the cost of Improvement, the Capital Stock, the Money borrowed, Current Expenses, &c.

No. 3. An account of the various articles which went up the navigation in 1833.

No. 4. An account of the different articles which came down the river in 1833.

The preceding statements exhibit a very prosperous condition of the Company's affairs, which they reached by a regular progressive increase of business and income; the tolls each year since 1824, with only one exception, caused by an extraordinary combination of causes, exceeding those of any preceding year. The sources of supply already opened are, therefore, proved to be permanent, and constantly expanding. But new ones, in addition, are just beginning to disclose themselves, of equal, perhaps, even greater promise.

The works of the state, it is computed, will more than double their activity in the coming season, and for years to come will be regularly advancing, till they arrive at the maximum of their power. While these are contributing to supply the channel between Philadelphia and Reading, the Danville and Pottsville Railroad, when finished, will pour a new stream at the head of the line, and, at the same time, communications will be formed with the navigation at every convenient point, so as to extend its benefits to all parts of the country lying along its borders.

Satisfactory, therefore, as the present condition of

the Company is, its prospects for the future are still more encouraging; and while they promise a full remuneration to the Stockholders, seem also to invite to a perseverance in those measures which are necessary to give the navigation the utmost extension of which it is capable, under the assurance no longer doubtful, that its greatest capacity will be fully and beneficially employed, unless counteracted by the paralyzing effect upon our internal commerce and industry, occasioned by the unexampled derangement of the currency of the nation. Respectfully submitted,

By order of the Board,

JOSEPH S. LEWIS, President.

Office of the Schuylkill Navigation Company, Philadelphia, Jan. 6, 1834.

NO. 1.

General Statement of the business of the Company from its Commencement.

Years.	Total Tonnage	Tons of Coal.	Toll on Coal.	Toll on other articles.	Total Toll.	Descending Toll.	Ascending Toll.	Amount of Rents.
1815	....	....	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.	\$ c.
1816	No receipts in these years.							
1817	....	....	....	....	....	....	....	....
1818	....	....	....	....	233 00	....	....	....
1819	....	....	....	....	1202 16	....	....	....
1820	....	....	....	....	803 07	....	....	....
1821	....	....	....	....	1792 60	....	....	....
1822	....	....	....	....	1054 97	....	....	....
1823	....	....	....	....	1964 38	....	....	....
1824	....	....	....	....	635 00	....	....	....
1825	....	6500	9700 00	6075 74	15775 74	13363 74	2412 00	4700 00
1826	32404	16767	25147 00	18961 87	43108 87	33968 97	10139 90	4900 00
1827	65501	31360	33317 00	24832 74	58149 74	42865 27	15284 47	6967 00
1828	105463	47284	46202 00	40969 56	87171 56	64001 56	23170 00	7618 00
1829	134524	79973	77032 00	43007 00	120039 00	92186 00	27853 00	10574 00
1830	180755	89984	87192 00	60973 95	148165 95	105231 36	42934 59	13800 00
1831	196413	81854	78781 00	55224 32	134205 92	99995 52	34010 40	13750 00
1832	327921	209271	199784 00	65045 70	264829 70	218218 00	46611 70	15207 00
1833	445849	252971	228158 00	97348 00	335486 63	663744 00	61743 63	16673 00

No. 2.

Statement of the Accounts of the Company, January 1, 1834.

DR.

Capital Stock,	\$1,640,100 00
Loans,	1,326,580 13
Tolls,	328,654 98
Rents,	10,873 79
Contingent Fund,	4,759 80
	<u>\$3,310,768 70</u>

CR.

General charges, being cost of the works, including Real Estate and damages,	\$2,974,659 69
Current expenses, being cost of repairs, Salary to Officers, Lock-keepers' wages, &c. this year,	95,117 71
Interest account this year,	63,828 24
Dividend No. 7, made in August last,	96,463 00
Available funds at interest,	49,216 50
Individual accounts unsettled,	24,504 76
Cash, balance,	7,178 80
	<u>\$3,310,768 70</u>

No. 3.

Tonnage of Articles ascending the River, 1833.

Merchandize,	14190
Fish,	2597
Salt,	3434
Plaster,	26494
Grain,	1339
Iron,	2886
Blooms, Pig Iron, and Castings,	779
Nails,	16
Lime and Lime Stone,	12,275

Iron Ore,	11,705
Bricks,	184
Porter,	199
Lumber,	2532
Marble and Stone,	467
Coal,	1512
Gravel,	2149
Flour,	582
Sundries	1057

Passing Fair Mount Locks only,	84,197 598
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Tons,	84,795
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No. 4.

Tonnage of Articles descending the River, 1833.

Coal,	252971
Flour,	12107
Whiskey,	1759
Lumber,	13470
Grain,	9357
Iron,	2046
Blooms, Pig Iron, and Castings,	4607
Nails,	1595
Lime and Lime Stone,	53,219
Iron Ore,	2252
Butter,	448
Leather,	254
Marble and Stone,	2383
Bark,	411
Wood,	1790
Tobacco,	61
Sundries,	904
Pork,	284

Passing Fair Mount Locks only,	359,898 1,156
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Tons,	361,054
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The Committee appointed on the 7th January, 1833, "to cause to be manufactured, and, on behalf of the Stockholders, to present to each of the Managers residing in Philadelphia, who have served in that capacity for more than seven years, a piece of plate of the value of five hundred dollars," report:

That they have performed the agreeable duty assigned to them by the Stockholders. Five pieces of plate of the value of five hundred dollars each, were by their directions manufactured by Mr. Thomas Fletcher, in a manner entirely satisfactory to the Committee, and very creditable to Mr. Fletcher's taste and skill. One of them was, on the 23d day of November last, delivered to each of the five following named gentlemen, being those of the Managers who are described in the Stockholders' resolution above mentioned; that is to say,

Mr. Eyre, Mr. Lippincott,
Doctor Preston, Mr. Nicholson.
Mr. Firth,

Officers of the Schuylkill Navigation Company for 1834.

JOSEPH S. LEWIS, President,
Managers.

Manuel Eyre, Henry Troth,
Jonas Preston, Charles H. Baker,
Thomas Firth, John Sergeant,
George W. Holstein, John Bohnen,
Joshua Lippincott, Edmund Wilcox,
Lindzey Nicholson, Joseph T. Mather.
Thomas Harper, Treasurer and Secretary.

GIRARD CONCERNS.

The following resolutions were passed by the Select and Common Councils, January 2d, 1834:

Resolved, That the Treasurer of the Girard Trust be, and he is hereby directed to prepare, under the direction of the Commissioners of the Girard Estates, and cause to be printed in two or more newspapers of the city, a concise but plain account of the state of the trusts, devises, and bequests of said Estate, comprehending the condition of the College, &c. as provided by the 24th section of the Will.

In compliance with the above, the Treasurer of the Girard Trusts has prepared the following condensed statement of the affairs of the Estate.

BRITAIN COOPER, Treasurer.

Schedule of Stocks and Loans passed to the City Corporation, belonging to the Estate of Stephen Girard; embracing the whole amount of personal property yet received from his executors.

	Par Value.	Ex'tors Valua'n
1 Certificate for a Loan to the Schuylkill Navigation Company	\$ 9,089 37	\$10,000 00
948 Shares of Stock in the Old Bank of the United States	2,127 00	2,127 00
22 Shares of Stock in the Insurance Company of Pennsylvania	8,800 00	11,000 00
100 Shares of Stock in the Delaware Insurance Company	4,000 00	4,200 00
50 Shares of Stock in the Philadelphia Insurance Company	2,500 00	4,166 67
20 Certificates for a Loan to the Franklin Institute	1,000 00	800 00
2200 Shares of Stock in the Schuylkill Navigation Company	110,000 00	264,000 80
102 Shares of Stock in the Chesapeake and Delaware Canal Company	20,400 00	10,200 00
6 Certificates for Loans to the State of Pennsylvania,	870,000 00	994,418 00
1 Certificate for a loan to the City Corporation,	100,000 00	113,500 00
2 Shares of Stock in the Germantown Turnpike Company	200 00	95 00
10 Shares of Stock in the Schuylkill Permanent Bridge Company	100 00	130 00
1 Share of Le Courier des Etats Unis	300 00	—
1 Share of stock of the Philadelphia Domestic Society	100 00	—
10 Shares of Stock of the Bustleton Turnpike Road Company	1,000 00	—
4 Shares of Stock in the Centre Bridge Company	200 00	—
1 Share of Stock in the Susquehanna and Lehigh Turnpike Company	100 00	—
1 Share of stock in the Downingtown Turnpike Company,	100 00	—
6331 Shares of Stock in the Bank of the United States,	633,100 00	664,715 00
8 Certificates for Loans to the Schuylkill Navigation Company	265,850 00	276,484 00
3 Certificates for Loan to the Mount Carbon Rail Road Company	30,000 00	30,000 00
1 Certificate for Loan to the Guardians of the Poor	25,000 00	25,000 00
1 Bond for Loan to the Ridge Road Turnpike Company	10,000 00	—
1 Certificate for Arrears of Interest on the Ridge Road Loan	900 00	—
2 Certificates for Loans to the State of Pennsylvania	239,472 00	273,189 66
1 Certificate for Loan to the State of Pennsylvania	12,000 00	13,860 00
1 Certificate for Loan to the City Corporation	76,300 00	87,745 00
2 Certificates for Loans to the State of Pennsylvania	2,141 82	2,473 80
100 Shares of Stock in the Philadelphia Exchange Company	10,000 00	10,000 00
	2,434,780 19	2,798,104 13

The above Stocks and Loans have been appropriated agreeably to the Will of Stephen Girard, as follows:

1st. Stocks and Loans appropriated for constructing and maintaining the Girard College for Orphans.

6331 Shares of Stock in the Bank of the United States	\$664,715 00
6 Certificates for Loans to the State of Pennsylvania	994,418 00
1 Certificate for Loan to the City Corporation	113,500 00
2 Certificates for Loan to the State of Pennsylvania	227,367 00
	2,000,000 00

2d. Stocks and Loans appropriated to the improvement of the Eastern Front of the City, and Delaware Avenue.

3 Certificates for Loans to the State of Pennsylvania	60,404 33
8 Certificates of Loans to the Schuylkill Navigation Company	276,484 00
3 Certificates for Loans to the Mount Carbon Rail Road Company	30,000 00
1 Certificate for Loan to the Guardians of the Poor	25,000 00
22 Shares of Stock in the Insurance Company of Pennsylvania	11,000 00
50 Shares of Stock in the Philadelphia Insurance Company	4,166 67

1 Certificate for Loan to the City Corporation	87,745 00	To cash paid the City Treasurer, a temporary loan to the city	30,000 00
100 Shares of Stock in the Delaware Insurance Company	4,200 00	To cash balance in the Treasury	4,899 49
	<u>500,000 00</u>		<u>\$162,258 71</u>
CR.			
3d. Stocks and Loans, comprising the Residuary Fund.		By cash in the Treasury Jan. 1st, 1833	19,431 39
1 Certificate for Loan to the State of Pennsylvania	752 13	By cash for interest on Schuylkill Navigation Co. Loan	568 05
948 Shares of Stock in the old Bank of the United States	2,127 00	By cash for interest on do.	14,621 76
20 Certificates for Loan to the Franklin Institute	800 00	By cash for interest on State Loans	27,518 01
2200 Shares of Stock in the Schuylkill Navigation Company	264,000 00	By cash for interest on Mount Carbon Rail Road Loan	1,350 00
102 Shares of Stock in the Chesapeake and Delaware Canal Company	10,200 00	By cash for interest on Franklin Institute Loan	50 00
2 Shares of Stock in the Germantown Turnpike Company	95 00	By cash for interest on City Loans	3,125 38
10 Shares of Stock in the Schuylkill Permanent Bridge Company	130 00	By cash for interest on Loan to Guardians for the Poor	625 00
100 Shares of Stock in the Philadelphia Exchange Company	10,000 00	By cash for interest on Ridge Road Turnpike Co. Loan	163 50
	<u>288,104 13</u>	By cash for interest on temporary loan to Girard Bank	856 68
4th. Loan appropriated to purchase Fuel for Poor White Housekeepers and Roomkeepers in the City of Philadelphia.		By cash for dividend on Schuylkill Navigation Co. Stock	12,100 00
1 Certificate for Loan to the Schuylkill Navigation Company	10,000 00	By cash for dividend on Stock of the Bank of the U. S. 6 months	22,158 50
	<u></u>	By cash for dividend on Germantown Turnpike Co. Stock	7 00
The following Account Current exhibits a condensed statement of the Cash Account, embracing the amount of Dividends, Interests, and Rents of Real Estate received, and payments made to the various objects for the year 1833.		By cash for dividend on Pennsylvania Insurance Co. Stock	880 00
		By cash for dividend on Philadelphia Insurance Co. Stock	275 00
		By cash for dividend on Delaware Insurance Co. Stock	360 00
		By cash for dividend on Danish claims	240 00
		By cash for dividend on Schuylkill Permanent Bridge Co. Stock	9 00
		By cash received for rents of Real Estate	57,895 69
		By cash received of Charles Allen, for Party Wall	23 75
			<u>\$162,258 71</u>
DR.			
To Cash paid for repairs of Real Estate and materials	\$10,858 89	Statement of the estimated amount of income from Rents, Interest, and Dividends for the year 1834.	
Less deduction made to tenants for repairs, grates, &c., and charged to this appropriation	458 47	Interest and dividends from the College Fund	102,410 68
To cash paid for the Girard College	70,567 12	Interest and dividends from the Delaware Avenue Fund	25,500 00
To cash paid to Legal Heirs of the Intestate Estate under a decision of the Supreme Court	2,838 97	Interest from the Fuel Fund for Poor Housekeepers	454 44
To cash paid for incidental expenses and salaries	7,801 61	Interests, dividends, and rents, from the Residuary Fund, applicable to the City Police and improvements of City Property, as follows:	
Less by this amount paid to C. Johnson, for salary, in 1832, and charged to this appropriation	1,000 00	Rents from Real Estate in the city, (all rented,)	56,244
To cash paid for lands in Schuylkill county, improvements, &c.	3,017 45	This will be increased when the new buildings on Chesnut and Market streets are finished.	
To cash paid for annuities	4,300 00	Rents from Coates' street property, (all rented,)	3,889
To cash paid for taxes and water rents	9,611 79	Rents from farms in Passyunk and Moyamensing	5,552
To cash paid for lands in Louisiana, to the Agent, &c.	1,026 55	Interest and dividends from stocks and loans	11,000
To cash paid for Delaware Avenue to S. Hains for surveys	311 00		<u>76,685</u>
To cash paid for Fuel for Poor Housekeepers	419 12	From which sum is to be deducted annuities, taxes, water-rents, salaries, repairs, and materials, for real estate, and	
To cash paid to orders of the Trustees of the College	1,174 62		
To cash paid for appropriation for the rail road in Broad street	1,800 00		
To cash paid for appropriation for stores, wharf, and dock, near the Schuylkill	5,470 64		
To cash paid for appropriation for Paving	7,741 98		
To cash paid for appropriation for the culvert, &c. at the drawbridge dock	1,877 95		

incidental expenses, estimated at	32,300	
		44,385 00
		\$172,750 12

The above statements and accounts have been carefully examined and approved by the Board of Commissioners of the Girard Estates.

JOSHUA LIPPINCOTT,

President of the Board.

Philadelphia, Jan. 4th, 1834.

Report of the Building Committee of the "Girard College for Orphans" to the Select and Common Council of Philadelphia..

The Building Committee having been called upon by Councils to furnish a description of the College, embrace the present opportunity of complying with the request.

They are gratified in having it in their power to say, that the edifice thus far, is "constructed with the most durable materials, and in the most permanent manner," they have carefully avoided the use of any "needless ornament," and attended chiefly to the strength, convenience, and neatness of the whole.

The house is 111 feet east and west, and 169 feet north and south, it is built on lines parallel with the east and west city streets, deviating from a parallel with the north and south streets, only as much as said streets deviate from a right angle.

The design adopted by the councils, and now being executed by the Committee, makes the house three stories in height; each story is fifteen feet high in the clear from the floor to the cornice. The elevation of the arch together with the thickness of the floor and arch, makes each story 25 feet from floor to floor. The whole building will be fireproof inside and outside.

The floors and the roof are to be formed of solid materials, on arches turned on proper centres, so that no wood will be used except for doors, windows, and shutters.

Cellars are made under the whole building, the doors to them from the outside, are on the east and west of the building, and access to them from the inside will be by steps descending to the cellar floor, from each of the entries or halls hereinafter mentioned, and the inside cellar doors are to open under the stairs on the north-east, and northwest corners of the northern entry, and under the stairs on the southeast and southwest corners of the southern entry.

There is a cellar window, under, and in a line with each window of the first story. They are built three feet below, and three feet above the surface of the ground, the ground outside of each window, is supported by strong walls. The sashes are to open inside on hinges, like doors, and there are to be strong iron bars outside of each window, placed securely in the portico floor; the windows inside and outside are four feet wide in the clear.

There are in each story four rooms, each room being fifty feet square in the clear.

The four rooms on each floor occupy the whole space east and west, on such floor or story, and the middle of the building north and south, so that in the north of the building, and in the south thereof, there remains a space of 26 feet, for an entry or hall in each, for stairs and landings.

In the northeast, and in the northwest corners of the northern entry or hall on the first floor, stairs are to be made so as to form a double staircase, which are to be carried up through the several stories; and in the like manner, in the southeast and southwest corners of the

southern entry or hall, stairs are to be made on the first floor, so as to form a double staircase, to be carried up through the several stories; the steps of the stairs are to be made of smooth white marble with plain square edges, each step is to be 7½ inches rise, and 12 inches on the tread.

The outside and inside foundation walls, are 14 feet high in the clear from the ground to the ceiling, (or under side of the arches;) the first floor is eight feet above the level of the ground, around the building after such ground shall have been properly regulated.

The only deviation from any of the details prescribed by Mr. Girard, is in the thickness of the walls; Mr. Girard directs that at a certain height the wall shall be reduced to two feet in thickness:—But a direction like this, in a matter essentially affecting the strength of the building, must naturally be governed by the leading injunctions in the will that the building should be "constructed in the most permanent and durable manner."

Mr. Walter the Architect, and Mr. Souder the general superintendent, have both unequivocally asserted, that the college could not be built in a "permanent manner" with walls of a less thickness than those the committee are now constructing; although the committee have implicit confidence in the skill and practical knowledge of their architect and superintendent, yet they have thought it advisable, to consult the various plans and communications that were submitted to councils, at a time when every mind was unbiassed on this important subject.

R. W. Israel & Co., of Lowell, Mass. say, that the weight of the arches, and filling up to obtain a level for the floors, would be much too great for the walls.

Wm. Roderique, architect and engineer, says, the walls are limited to two feet in thickness which would leave them too weak to support the pressure of any arch of 50 feet span.

R. W. Crisp, practical builder, remarks in relation to his plan that he has "increased the thickness of the walls so as to make them more able to carry the superincumbent weight of the arches and roof."

John Kutts, architect, has made the walls on his plan, 3 feet 6 inches thick.

Wm. Strickland, architect and engineer, on his plan for the college, in form of a Greek Temple, has laid down the thickness of his external walls at 3 feet, in addition to which he has surrounded the building with 50 massive columns.

M. Holden, architect, has made his exterior walls six feet in thickness.

Messrs. Town, Davis and Daken, architects, New York, have made part of their exterior walls five feet thick.

The Committee finding such a concurrence of testimony, among scientific and practical men, in regard to the strength necessary to sustain the immense weight of the roof and the arches, have naturally looked to that portion of the will, directing the college to be built in the most permanent manner:—They have accordingly made the walls of a sufficient thickness to sustain the superincumbent weight.

Arrangements have been made for chaining or banding the walls in the manner that Mr. Girard has directed.

The elevation of the roof is one-ninth of the whole span, this being "as nearly horizontal as may be, consistently with the easy passage of water to the eaves;" "the outside walls" are to be carried up the thickness of two feet, to the height of two feet above the roof, and to "have a marble capping, with a strong and neat iron railing thereon."

"The outside walls" are to "be faced with slabs or blocks of marble," the thickness of none of the courses "being less than two feet," understanding by the thick-

ness, the vertical dimensions, these blocks are to be "fastened together with clamps, securely sunk therein."

"The floors and landings as well as the roof, are to be covered with marble slabs, securely laid in mortar, the thickness of the marble on the roof, will be double that of the floors."

"In constructing the walls, as well as turning the arches, and laying the floors, landing and roof, good and strong mortar and grout are to be used, so that no cavity whatever may anywhere remain."

Provision is made for a large furnace, in each end of the cellar, "for the generation of heated air," and flues are to be constructed in the walls, for the purpose of conducting the warm air thus generated, to all the rooms in the house.

The committee deem it expedient, to postpone the dividing of the large rooms for Library, &c. until the building is roofed in, and the system of education is adopted.

There are two principal doors of entrance into the College, one into the entry or hall on the first floor in the North, and one in the South of the building, and in the centre, between the East and West walls, these doors are proportioned according to the size of the building, the purpose of the doors and the size of the entry.

The same principle has governed in deciding upon the size and position of all the interior doors and windows.

All the doors are to be double, those opening into the rooms to be what are termed glass doors, and those opening outward to be of substantial wood work, well lined and secured.

The windows of the second and third stories, are to be made in the style of those in the first and second stories of Mr. Girard's late dwelling, in North Water street; that is to say, they are to be made to open in the centre, and hung on hinges the same as doors; the windows of the first story, to be in the same style except that they are not to descend to the floor, but so far as the subbase, up to which the wall is to be carried, in the same manner as Mr. Girard's house in Passyunk Township.

The whole building is to be surrounded with a portico, twenty-one feet in width, with columns of the Grecian Corinthian order, which is essentially necessary, inasmuch, as it affords strength and stability to the third story arches.

As it regards the arching of the first and second stories, there is no difficulty, inasmuch, as the superincumbent weight will create a resistance to lateral pressure, and prevent any swerving that might occur from the tremendous pressure from the arches, but the third story arches, not having the advantage of superior weight, must be secured by some other method.

All the arches will be banded with iron, (in the words of Mr. Girard) they will "be secured with iron chains," but these chains cannot embrace all that portion of the wall that is subjected to outward pressure, all the force cannot be positively resolved upon one horizontal line; the chains are of great importance it is true, but something more than chains is requisite. As a dernier resort therefore, a flank colonnade was adopted.

The weight of the materials used in the construction of the entablature, portico, ceiling, roof, &c. is supported, one half on the columns, and one half on the walls of the building, this additional weight applied directly to that part of the wall, receiving the thrust of the third story arches, will prevent any "cracking or swerving," and give strength and durability to the whole work.

In addition to the strength gained by the weight on the walls at the spring of the arches, the ceiling of the portico and entablature, will be securely clamped together with iron; by this means a band will be formed

around the whole building, which will give permanency and durability to the edifice.

All which is respectfully submitted.

JOHN GILDER,
JAMES HUTCHINSON,
JOS. LIPPINCOTT,
DENNIS MCCREDY,
JOS. WORRELL,
JOS. B. SMITH,
JOHN BYERLEY,
JOHN R. NEFF.

Committee.

Philada. Jan. 7, 1834.

From Miners' Journal.

COAL TRADE--1833.

The following is a list of the operators, on all the Rail roads in the region, and the amount each transported on said roads, with the exception of the Mount Carbon rail road, upon which the two Companies operate, the Collector having refused to furnish a list, notwithstanding our repeated declarations that we would "take the responsibility" of the publication.

Amount of Coal transported on the Mill Creek rail road, during the season just ended, by the following individuals:

Neligh, Lewis & Co.	9,291 tons.
Pott & Patterson	1,149 do
Samuel P. Wetherill	5,671 do
Kline & Strauch	426 do
Beck & Woodside	403 do
Henry A. Lyon	201 do
John C. Flanagan	839 do
M. H. Wythoff	2,220 do
F. B. Nichols & Co.	3,822 do
J. & T. Graves	142 do
Hodgson, Pinkerton & Co.	5,675 do
Robert Young	4,557 do
Lawton, Weaver & Co.	261 do
Stall & Offerman	251 do
F. Hass & Co.	2,166 do

Total 37,074 tons.

Amount of Coal transported on the Mine Hill and Schuylkill Haven rail road, during the season just ended, by the following individuals:

	tons.	cwt.
Wm. Wagner	16,336	11
Phoenix Co.	9,049	2
James E. White	6,859	19
L. C. Dougherty	5,900	17
Helmer & Bast	5,541	10
S. Brooke	3,119	8
W. S. & C. M. Mill	2,235	18
Emor Sayles	2,075	14
D. R. Jacobs	2,183	8
Bennett & Walton	2,156	7
Wm. Waters	1,805	6
Stephens & Co.	1,636	19
Geo. Patterson	1,559	14
Benegoff & Fitch	1,222	4
A. Hoch	1,239	15
A. Streeper	1,184	00
Stall & Offerman	1,330	10
Dr. Stineberger	1,120	9
Samuel Rickard	1,820	0
Hughes & Dewees	823	6
J. Wilde	492	3
Potts & Coles	657	16
Burd Patterson	672	8
John Miller	362	14
R. Long	241	11
Lebbeus Whitney	223	3
Peter Kern	575	8
Jacob Dewees	578	9
Martin Weaver	511	12

	tons.	cwt.
R. Rickard	633	2
S. Lewis	961	6
Peter Stoneberger	409	14
Benj. Pott	49	14
Transient tonnage	1,502	13
Total amount	77,073	13

Amount of Coal transported on the Schuylkill Valley rail road, during the season just ended, by the following individuals:

Aquila Bolton	9,410 tons.
Thomas Robinson	2,553 do
Blight, Wallace & Co.	1,935 do
George H. Potts	1,353 do
Volney B. Palmer	1,324 do
Charles Potts	1,265 do
John Schmoltdt	1,068 do
Charles Brooke	941 do
Burd Patterson	921 do
B. H. Springer	865 do
John Curry & Co.	744 do
Wm. Bosbyshell	408 do
Alfred Lawton	318 do
John Shuttleworth & Co.	248 do
Henry Porter	126 do

Total 23,479 tons.

Lumber—Boards	656,659 feet.
Shingles	40,132
Lath	17,100
Passengers	1,034

Amount of Coal transported on the Mount Carbon rail road, for the year commencing 19th December, 1833.

	tons.	cwt.	qr.
John R. Bowers	930	14	0
Delaware Coal Company	17,263	15	3
John C. Ernst	1,409	1	0
Charles Lawton	4,279	5	1
Wm. H. Mann & Co.	6,749	8	0
Mann & Williams	1,208	13	2
Thomas Martin	2,490	17	3
North Amc. Coal Company	23,339	2	1
Palmer & Garrigues	2,045	16	0
Samuel J. Potts	9,044	13	1
Ridgeway, Fisher & Co.	947	11	1
By sundry individuals	3,792	0	0
Total	73,136	17	3

From Moore's Philadelphia Price Current.

The following is an estimate of the quantity of Coal on the Schuylkill, as received, principally from each dealer, December 19, 1833. Furnished for this paper.

Below the Permanent Bridge.

	Tons.
McCandles, Chamber & Co.	1,800
Del. Coal Co. (incorporated)	1,800
S. P. Wetherill	3,000
Phoenix Co. (incorporated)	2,500
Blight, Wallace & Co.	1,000
J. W. Downing	2,300
Serrill's	400
Eldridge & Brick	2,400
N. American Coal Co. (incorp'd)	5,000
L. Schuyl. R. R. & N. Co. (incorporated)	20,000
West, Hodgson & Co.	5,000
J. S. Silver	2,500
Yates & McIntire	225
Doct. Wetherill	400
Chas. Humphreys & Co.	200
C. Johnson	1,000

	tons.
W. J. B. Smith	800
Blackston & Co.	400
Jos. White & Co.	1,200
	—51,925

Above the Bridge.

Clarkson's Yard	4,000
Bolton's do	5,000
Offerman's do	800
A. J. Bolton & Co's. Yard	1,220
Bonsall & Revout	400
J. Burr	100
	—11,520

Total 63,445

From the Commercial Herald.

OUR COAL TRADE.—We present below a statement of the number of shipments of Coal from the opening of the navigation last spring, to the 30th November inclusive. As soon as the season closes, we intend presenting our readers with a detailed statement of the quantity shipped, as well as the amount sold in this market.

NAMES.	Ships.	Barques.	Brigs.	Sch'rs.	Sloops.	Total.
Lehigh Coal Co.	2	0	45	215	142	404
North American	0	0	11	82	19	112
Little Schuylkill	0	0	7	90	26	123
Delaware	0	0	17	113	14	144
Phoenix	0	0	4	36	14	51
S. B. Reeve & Co.	0	0	0	126	25	151
J. W. Downing	0	0	23	69	17	109
McCanles, Chambers & Co.	0	0	13	72	13	100
J. S. Silver*	0	0	5	63	18	86
Blight, Wallace & Co.†	0	0	0	27	15	42
Samuel P. Wetherill	0	0	2	9	9	20
Jacob Serrill	0	0	6	11	13	30
Eldridge & Brick†	0	0	4	8	6	18
A. J. Bolton†	0	1	0	11	0	12
W. J. B. Smith	0	0	1	5	8	19
Amos Leland	0	0	0	10	0	10
Six other houses*	0	0	6	80	34	120
Total	2	1	145	1027	375	1550

* Up to the 1st of September.

† Up to the first of November.

Importation of Foreign Coal.—It will be observed by a table in this week's paper, that the importation of Coal for the last year, has exceeded the importation of any former year, by *twenty-six thousand and eight tons*, notwithstanding the low price at which Anthracite sold throughout the whole of the year 1833. The value of 84,144 tons of Coal at \$6 per ton, would be *five hundred and four thousand eight hundred and sixty-four dollars*, which amount of money is sent out of the country for an article which we possess in abundance, and with which our market is now glutted. Great Britain and her colonies, from whence the Coal is derived, has imposed a prohibitory duty of upwards of \$7 per chaldron on all foreign Coal, to *protect her own trade*. But the United States' Government is lowering the duty upon all foreign Coal—thus *encouraging* the trade of other countries, and *depressing* our own. When will the eyes of our statesmen be opened upon this subject?

ANTHRACITE COAL TRADE OF THE UNITED STATES.

The following table exhibits, with as much accuracy as our means will allow, the quantity of Anthracite Coal

sent to market during the last 14 years, with the annual increase of the supply.

	Quantity sent to Market.	Annual Increase.
1820	365	00
1821	1,073	608
1822	2,440	1,167
1823	5,823	3,583
1824	9,541	3,718
1825	33,393	23,852
1826	48,047	14,654
1827	61,665	13,618
1828	77,395	15,730
1829	105,083	27,688
1830	181,000	75,917
1831*	177,000	decrease.
1832	379,000	202,000
1833	488,000	119,000

*The supply this year was about 20,000 tons short of the demand, which was occasioned by the large increase in the former year. During the winter of 1831 '32, Coal sold in the cities on the sea-board, at \$14 a \$17 per ton.

COAL.—180,145 tons of Coal were shipped from Philadelphia in the year 1833.

Statement of the quantity of Foreign Coal imported into and exported from the United States from 1823, up to 1833, both years inclusive. For part of this statement, we are indebted to a table that was published two years ago, but upon examination, it will be found that that table was materially incorrect.

YEARS.	Bushels Imported.	Bushels Exported.	Bushels remaining for Consumption.	Equal to tons of 28 bushel each
1822	637,737	8,318	619,419	22,122
1823	970,828	4,167	966,661	34,523
1824	834,983	2,846	832,137	30,433
1825	754,815	2,414	752,401	27,228
1826	722,255	4,140	718,075	25,645
1827	970,021	1,080	968,941	34,605
1828	1,127,388	1,801	1,125,587	40,257
1829	906,200	1,743	904,457	32,302
1830	1,272,970	4,758	1,268,212	45,293
1831	1,610,295	12,480	1,627,815	58,136
1832	1,022,945	4,329	1,017,916	36,509
1833	2,358,037	*	00	84,144

*It is impossible from the report issued from the Treasury Department, to find the quantity of Coal exported from the U. S.—nor from what countries the foreign article was obtained.

Price of Coal in the New York Market, Dec. 20, in 1832 and 1833.

	1832.		1833.	
	Cargo.	Retail.	Cargo.	Retail.
Liverpool, pr. chal.	\$11 50	\$13 50	\$12 50	\$14 00
Sidney do.	9 50	10 50	8 50	9 00
Virginia, per ton	9 00	10 00	8 00	9 00
Schuylkill	9 50	11 00	7 50	8 50
Lehigh	9 50	11 00	7 50	8 50
Lackawana	9 50	10 00	6 50	7 50

ADDRESS

Delivered at the Anniversary Meeting of the Southwark Institute held November 23, 1833, by D. FRANCIS CONDIE, M. D.

We have assembled this evening, my respected audience, to commemorate the First Anniversary of the Southwark Institute. The main object of this association, the intellectual and moral improvement of its members, cannot fail to render all who now hear me, deeply interested in its present condition, and desirous to promote, by their countenance and support, its future and permanent welfare. The interest and approbation of our fellow citizens, and their exertions in behalf of the institute, will be augmented by the fact, that its members, youths for the most part, engaged in the acquisition of mechanical trades and professions, will, in a few years, compose that important portion of the community, upon whose intellectual endowments and moral worth, so intimately depend the best interests, not merely of the district in which they happen to reside, but of the country at large.

The beneficial influence of this and similar institutions cannot indeed be too highly estimated. They tend to elevate the character and increase the intelligence of a class of our citizens, who, in consequence of the means being denied them for the cultivation of their minds, have too long been excluded from that rank in society, which, in all free governments, is theirs by right. By promoting the equal diffusion of useful knowledge, these institutions increase individual and domestic happiness, the general prosperity of the community, and tend in a very great degree to insure the stability and just administration of the free institutions of our state and nation.

Single examples of moral and political worth, combined with intellectual greatness, may do much towards promoting the happiness and comforts of a people, and the prosperity of a nation. An entire empire may even for a time, be borne up, and made to advance in greatness, in riches, and in fame, by the commanding talents, unwearied industry, and political skill of a single ruler; but it is only by the general intelligence and moral worth of the great body of the people, that their domestic freedom, happiness and comfort can be secured. Though a portion of its citizens may riot in luxury, and possess all that wealth can procure—though the names of its orators, its artists, and its men of science may perchance command the admiration and excite the envy of other nations, yet will misery and oppression bear hard upon the mass of the community, so long as their intellectual and moral faculties lay dormant for want of culture. Enslaved by prejudice, the baneful fruit of ignorance, and tamely submitting to the tyranny which wastes their substance, degrades their minds, and insults their persons; they are strangers to the rights of man, to happiness, and to the very name of freedom. Notwithstanding the deceitful halo of glory which surrounds a nation thus circumstanced, when viewed from a distance; yet, when contemplated more nearly, the sufferings and degradation, the brutalized minds and grovelling disposition of so large a portion of its inhabitants can excite no other sentiment than that of commiseration or contempt.

That the slavery and wretchedness to which the great body of the people in all nations—the laborer, the mechanic, and the artisan, were for so many ages subjected, had its origin in their own ignorance, is a fact fully established by the history of the human race. Knowledge was proclaimed by Bacon to be power, and although the truth is now almost daily repeated, and in every form, urged upon the attention of all classes in society, there are, we suspect, but few, in fact, who understand its real meaning, or its vast importance. Knowledge is truly a power,—without which, neither personal, political, nor moral freedom can be secured or permanently maintained. Possessed of it, man becomes

indeed the arbiter of his own fate—the governor and benefactor of the entire world. Appropriating to himself the qualities of the whole creation—even the elements themselves are rendered obedient to his will.

It is a beautiful and noble retrospect, says Rousseau, to take a view of man rising in a manner, by his own efforts out of nothing, and dissipating by the light and energies of his mind, that darkness with which he was by nature surrounded—To see him raise himself, in imagination, beyond his native sphere; penetrating the celestial regions, and like the sun, encompassing with giant strides the vast extent of the universe—To behold him again descend into himself, a task still more difficult and noble, there to investigate his own nature, powers and faculties, and thence to discover the designs of his creation. By his reason, brought fully into action, man has indeed conquered a universe—By his reason, that "heaven lighted lamp of God, in man," he has established an empire which knows no bounds—By the powers which it confers upon him, he is enabled to read the hearts, anticipate the actions, and control the wills of his fellow men, and by it he is enabled to receive from Heaven, a revelation to direct his steps in this world, and which opens to his view a prospect of his existence beyond the limits of time. He reigns through the powers of his mind, as it were, by the right of conquest. Accumulating in himself the experience of his species and of all past ages, he extends the limits of his intellectual being to infinity.

Such are some of the powers which the cultivation of the mind, and its necessary consequence, the possession of knowledge, confers on man. Dreadful is his condition when that cultivation is entirely neglected, and that knowledge is completely wanting. Look back but a few centuries when the power which knowledge confers was confined to the few. The mass of the people, the laborer, the mechanic, the agriculturalist, and the artisan; immersed in the grossest ignorance; were then mere slaves, toiling in wretchedness to gratify the pride and luxury, or to minister to the ambition of the few whom accident had constituted their masters. Even when not regarded as appendages of the soil, and sold and purchased as beasts of burthen, they enjoyed the commonest privileges of life only at the will and by the permission of their superiors.

Although upon them depended, in reality, the wealth, the security, the very existence of the nation; in all political matters, they were passed by as though they had no being. Alliances were formed, treaties made, wars declared, and peace concluded; and although their blood was to flow in torrents on the field of battle; although their bodies were made the rampart for the protection of their masters and their wealth, and although by the sweat of their brows, were the expenses of the combat to be disbursed, and the calm of peace to be maintained, their assent was not asked, nor their objections heard nor permitted, to acts which concerned them so intimately—upon the result of which their comforts, their happiness and very lives depended. But not only were their persons thus subjected to a degrading species of bondage, and their dearest rights trampled under foot—their minds likewise were enslaved to an equal extent.

Of all that related to themselves, their natures and their powers, they were kept in total ignorance. To be born, and after enjoying a few years of mere animal existence, to die, bounded the entire scope of their ideas in relation to their own being. No noble sentiment inspired their breasts—No honest ambition ever stimulated them to rise from the grovelling and degraded condition to which they were born, and vindicate the dignity of their nature. No love of country—no scheme of benevolence, produced among them any noble example of the sacrifice of self for the cause of liberty—or any exertion for the benefit of their suffering compatriots. They lived for the present moment only, and instead of looking back upon joys gone by, or forward

to a cheering perspective of comfort, ease, and happiness in their declining days, their existence was measured solely by the hardships they had already numbered, and the fearful anticipation of those to come.

When they looked forth upon nature, all of its phenomena were to them dark, frowning, and mysterious—The howling blast, the thunder's roar, darkness and light, the glories of the rising and of the setting sun, the ordinary revolutions of the planets and changes of the seasons, were to their benighted minds and quailing hearts, subjects of terror or of superstitious awe. Equally ignorant of the Great Author of nature as they were of his works, they endeavored to propitiate the elements by senseless and guilty rights and observances; and even while claiming the name of Christians, their religion partook largely of the baneful superstitions of paganism.

But not by the poor and laboring classes alone, were experienced the debasing effects resulting from the absence of that power which knowledge alone confers. To a certain extent they extended likewise to the superior ranks, so called, of society; reducing the noble in his stately palace, the baron shut up within the recesses of his castle, and surrounded by his fierce retainers, ready at a word to do all his bidding; even the very prince upon his throne, to a state of moral and intellectual, often of personal slavery—Differing, it is true, somewhat in its character from that to which the poorer classes were subjected, and less oppressive in many respects, but nevertheless a slavery, galling and debasing in the extreme. Their persons, possessions, and happiness, nay, their very lives were often at the mercy of others, who happened to be possessed of a greater amount of physical or moral power than themselves. Hence were they often made to tremble, if not reduced to abject misery by the frown of some proud noble or foreign potentate—by the anathema of some mitred abbot or cowed priest, or even by the cunning and malice of the most ignorant and humble of their own subjects. The astrologer pretended to hold in his hands the thread of their destinies, and was, in consequence, feared, courted, and obeyed. The self-styled magician, taking advantage of their ignorance, was enabled to rule their actions or to inflict upon them real misery, bodily and mental, by tricks of the vilest jugglery—the very phenomena of nature—the word of God itself, were converted into chains the more securely to hold them in their state of mental bondage.

It does certainly appear surprising, that men should so long have allowed themselves to be thus enslaved, when they had within their reach, moral and physical means fully adequate to their disenfranchisement. It is true that an occasional effort was made to cast off the yoke. The sad experience of the misery arising from blind credulity and passive submission, more than once, roused to action the dormant powers of the people, and produced powerful, but ill directed exertions towards the attainment of light and liberty; which though doubtless to a certain extent beneficial in their consequences, were, in their immediate effects scarcely less tremendous than the unexpected explosion of a long silent, and almost forgotten volcano—producing wide spread mischief, but failing to obtain the desired object.

Such in fact are the paralyzing effects of ignorance, that they who are under its influence, are neither capable of understanding the true dignity of their own natures—the unalienable rights bestowed upon them by the author of their existence—nor of exerting the will, nor wielding the power by which their freedom and happiness are to be obtained and permanently secured.

Men submit to moral and political slavery, only so long as they are destitute of knowledge. This is fully shown by unfolding the page of history. We are there taught, that as knowledge began to be more generally diffused among the bulk of the people—when to read and to write were no longer claimed as the sacred privilege of the few—when learning and magic were no

longer considered assynonymous, and science an interdicted study—when all books were unsealed and laid open for the inspection of those beyond the pale of the learned professions, and the road to knowledge was thus made free alike to all, a marked amelioration commenced in the condition of those who occupied the middle walks of life. Entire classes of the community assumed a higher rank than they had ever before been permitted to occupy, and their moral and political influence began to be felt and acknowledged. They who occupied a lower station had still, however, much to contend against. Their opportunities for cultivating their mental powers were but limited—rights long usurped cannot be regained without a powerful struggle—habits of abject submission to the will of others, cannot in an instant be broken. Hence, ancient abuses still continued to bear heavily upon the poor and laboring classes, and prevented that general equality so essential to the best interests and the happiness of all.

The transition from a state of complete mental slavery to one of even qualified freedom is gradual and progressive. The light and important effects of knowledge but slowly pervade the whole mass of mankind, so as to reach with their benign influence each individual of which that mass is composed. Even in countries the most civilized, in the very birth place and favored abode of freedom, the entire emancipation of all classes from moral slavery is far from being accomplished.

Knowledge, when first she burst the barriers which had so long confined her to colleges and cloistered cells, conferred but few benefits upon Society at large. Reaching only to the more favored classes, she often added to the accidental circumstances of station and of wealth her own peculiar gifts, and thus increased, to a very great extent, their influence and their power. Occasional examples were, it is true exhibited, of individuals deprived of all extrinsic advantages, and in despite of every obstacle which poverty and obscurity presented to their efforts, emerging, by the power of their own unaided genius, into a state of complete mental light and freedom. But too often, we regret to say, employed the powers they had thus acquired, not for the benefit of others, but for their own aggrandizement, at the expense of the rights and happiness of their fellow creatures.

The moment, however, that knowledge ceased to belong to a peculiar class, as a profession; so soon as it was sought after, first as an ornament, and finally as an indispensable qualification, by those whose chief pursuits and means of happiness had heretofore been altogether adverse to mental cultivation, its beneficial effects were strikingly evinced. A greater amount of mind became at once developed in society—a taste for its pursuit was still further awakened, and the means for its more general diffusion among all classes were prepared. And by degrees we find class after class of mankind, emerging from out the deep darkness, into which they had been for centuries immersed, and throwing off the chains by which their intellectual and moral powers, had been so long, and apparently so securely bound. And although they who added to their other advantages that of knowledge, still exercised tyranny over the less favored of their fellow mortals—it was a tyranny dispossessed of some of its fiercer traits and more savage propensities.

The political history of nations began now to assume an entirely new aspect. They who had never before heard to murmur, even within the privacy of their own domestic circle, against the worst and most oppressive acts of their rulers, now claimed with loud voices, in the very presence of their sovereigns and in the halls of legislation, their right to be heard in relation to such measures of government as affected most their private and social interests and happiness. And they finally succeeded in causing their rights and opinions to be respected and obeyed; in accordance with which we find that the domestic and even foreign policy of governments were often materially modified, even when the

people themselves were excluded from actual representation in their political assemblies.

Whatever tends to diffuse new light upon the understandings of a whole people, or to effect a beneficial change in the general system of manners, soon produces a similar revolution in their political character. Airy fabrics which, when seen through the mists of ignorance, were supposed to be realities, vanished at the light of learning; as the enchantment is dissolved by the operation of the talisman. The prejudices on the subject of civil government, formed by ignorance and fostered by the policy of power, when once the spirit of inquiry was aroused, soon gave way to the dictates of instructed reason. The natural rights of mankind became better understood, the law of nations was attended to; implicit obedience was neither exacted on the one part, with the same rigor as before, nor paid, on the other, with equal servility. What remained of the feudal institutions could not long subsist when more liberal ideas of the equality of mankind were acquired. The distinction of vassal and lord soon ceased to be the only one in the community when men were led to aspire after useful and ornamental knowledge. Such pursuits infused a noble generosity of spirit, which scorned to pay an abject homage to ignorant opulence. Men by reading were led to reflect, and by reflection discovered that they had been under an error when they looked up to their governors as to a superior order of beings; but at the same time they learned the happiness of living under a well regulated constitution, and the duty of obedience to the laws in return for the protection which they afforded,—and a sense of expediency produced that voluntary acquiescence which was before exacted by pretensions to divine right, or the immediate interposition of authority. The lust of dominion which disgraced the iron reign of the sullen and unlettered tyrant, was succeeded, in the enlightened father of his people, by a spirit of benevolence and the government of equitable laws. That power which was once placed on the sandy foundation of popular prejudices and fears, when these fears and prejudices were dissipated by free inquiry acquired an establishment on the basis of reason.*

Comparing this epoch with those which immediately preceded, what a change had taken place. It had been gradual and at first almost imperceptible, but increasing as the light of knowledge became more widely diffused, it was, to a certain extent, experienced by every class of society, from the most elevated down to the most humble. And exactly in the same proportion as the darkness and gloom of ignorance and superstition were dissipated, were all classes rendered more secure in the enjoyment of their peculiar privileges and in the pursuit and attainment of happiness. For nothing so completely places mankind upon an equality, reducing the unjust pretensions and destroying the power to oppress in one class, and elevating the character and increasing the power to resist oppression in another, than an equality of knowledge. Hence the only sure basis for a free government is to be found in the general intelligence and cultivated minds of both the rulers and the people.

Even, however, after knowledge had become somewhat diffused, and its importance to all classes begun to be generally felt and acknowledged, still were the mass of the people to a certain extent deprived of it, and they were in consequence still virtually in a state of bondage—the rights of the poor and the labouring classes were still trampled on; and their happiness disregarded. To this servitude and oppression, they often themselves contributed by their very indifference to their rights, or their blindness to their own best interests.—Weakly ceding the privileges they already possessed to the insolence of power, or allowing themselves to be cajoled out of them by political knavery. The way in fact

* See Knox on the Moral, Political, and Religious Effects of Printing.

was never effectually opened in any nation for the full emancipation of those classes, which emphatically constitute the people, before that day, when the band of patriots who assembled in yonder sacred hall, proclaimed to the astonished world, the sublime and momentous truth that "all men are created equal—that they are endowed by their Creator with certain unalienable rights, amongst which are life, liberty and the pursuit of happiness"—and in declaring this truth pledged their lives and sacred honours, to secure the possession of those rights for themselves—their fellow citizens, and to hand them down entire to their posterity—a pledge which we all know was nobly redeemed.

At this period, we say, was first opened the way for the emancipation from moral, intellectual and political servitude, of all classes of the people. But effectually and fully to obtain and secure that emancipation depends solely upon individual prudence, and the zeal and industry with which all apply themselves to the acquisition of that knowledge, upon the possession of which the freedom and happiness of each class, as well as of the whole community so intimately depend. Notwithstanding the perfect freedom which our Government confers upon each citizen—Notwithstanding, to use the words of the illustrious Father of his country, the foundation of our republic was not laid in a gloomy age of ignorance and superstition, but at an epoch when the rights of manhood were better understood, and more clearly defined, than at any former period; when the researches of the human mind after social happiness had been carried to a greater extent; when the treasures of knowledge, acquired by the labours of philosophers, sages, and legislators, through a long succession of ages, were laid open for common use, and their collected wisdom capable of being applied in the establishment of our political institutions; when the free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of revelation, had exerted an ameliorating influence upon mankind, and increased the blessings of society, yet, is it only by the proper improvement of the blessings with which our citizens are surrounded, and the opportunity afforded them for private and political happiness, that these blessings and this happiness can be made to reach equally to every class. It is by the general diffusion of knowledge alone, that happiness and independence will be extended alike to all.

Upon the intelligence and moral worth of the working classes in particular, will the very permanency of our free institutions mainly depend. The effects of ignorance in one part of the community may to a certain extent be counteracted by the knowledge possessed by another—so long as the laws, honestly executed, extend their protection alike to all ranks and conditions of the people. But so far as relates to the comfort and interests of the individual, in his private and social relations, the want of knowledge will invariably exert its baneful influence. The ignorant can seldom fail to suffer from the deprivation of a powerful source of happiness—and incapable of exerting a moral influence which they do not possess, they must necessarily sink below that rank they were destined by nature to fill. Unable to appreciate the rights of freemen, or the means by which these rights are to be vindicated and sustained, against the encroachments of power on the one hand, or the wiles of sophistry on the other, they will gradually be divested of them; and finally, they will be made the instruments, not only of their own enslavement, but to sap the foundations, and overthrow the dear bought liberties of their country. Hence, when Washington so emphatically enjoined upon his fellow citizens to promote, as an object of primary importance, institutions for the general diffusion of knowledge; giving, as a reason, that, in proportion as the structure of a Government gives force to public opinion, it is essential that public opinion should be enlightened,

he pointed out to them, in fact, the only security for their private happiness, individual dignity, and the perpetuation of their free political institutions.

But, thanks be to Heaven, and we utter the sentiment with the utmost reverence, the necessity and importance of moral and intellectual improvement are begun to be experienced by the working classes throughout the civilized world. Nay, they who looked down formerly upon these classes with contempt, now feel that their own best interests and happiness are intimately connected with the extension of information to these bones and sinews and nerves of every nation. We no longer hear the rulers of the people, and I blush to say it, the pretended servants of religion, urging the impolicy and the danger of educating the poor—the cry is now universal education!

All classes have at length tasted of the fruit of knowledge, and all alike have experienced its pleasantness; and its invigorating, humanizing, happyfying effects; and we predict, that the time is not far distant, when a general system of education will be established, in this country at least, so calculated as to place the elements of knowledge within the reach of every class of our citizens.

In the absence of such an establishment, or even in connexion with it, a more effectual means for the acquisition of useful knowledge by the great body of operatives can scarcely be found, than in voluntary associations similar to the one, the anniversary of which we are now celebrating. Properly organized and efficiently conducted, such institutions are well calculated to impart immense good to their members, and through them to the community at large—by elevating mechanics and artisans to the rank of enlightened men and scientific enquirers.

The origin and history of mechanics' institutes would be an interesting subject of consideration, had we time to enter upon it at present. Their first establishment is of very recent date. And when we consider how simple and at the same time efficient a means they offer for diffusing instruction among those classes for whose education the laws have made no proper nor adequate provision, it is somewhat remarkable that they should have been so long neglected. Even after the necessity of scientific instruction for those engaged in mechanical pursuits and in the arts, had been pointed out, and strongly urged upon the notice of the public, both in France and England, it was not until within a very few years from the present period that Dr. Anderson of Glasgow succeeded in organizing the first mechanics' institute in that city, and the introduction of a similar institution into the metropolis of Great Britain, dates from even a later period. Ten years ago it required all the influence and exertions of Dr. Birbeck to overcome the reluctance exhibited by all classes in the latter city to their establishment. But against all opposition—the lukewarmness of those they were intended most to benefit—the ignorant prejudices of what may be termed the manufacturing aristocracy, and the envy of those who looked with apprehension to the period when mind should be developed among "the treaders out of the weary round of labour," they have finally triumphed, and their good fruits are already manifest among the mechanics and artisans of the old world. The example of their transatlantic brethren was early imitated by the labouring classes in our own country—and we now number, in the different states, numerous mechanics' institutes, from which thousands are reaping solid advantages they could in no other way have ever expected to obtain.

The improvement of the mind to which such institutions minister, independently of the important good it confers, by its effects in promoting and securing moral and intellectual freedom—independently of the direct application which may be made of the powers it confers in the promotion of the pecuniary interests of the individual, and thus securing for himself and for his family

an honorable support, it is one of the best safeguards to virtue, and the surest means of unalloyed happiness.

Although the ignorant may not always be vicious, nor the well informed invariably exemplary for their virtues—though unhappiness and misery may be the lot of the learned as well as of the unlearned, yet, the uncultivated mind will always be more apt, and does more often, lead its possessor astray from virtue and from peace, than a mind stored with knowledge and illumined by science.

When we cast our eyes abroad upon the active theatre of life, and enquire carefully into the causes of the errors, the crimes, and the misery into which so many of the actors are involved, we shall find, that too often, if not generally, they are to be attributed in the first instance to the want of knowledge. To the neglect, abuse, and misapplication of talents and capabilities, which if they had been properly cultivated and directed, would have secured their possessors from evil, and conferred upon them all the felicity which is consistent with the nature of man, in his present imperfect state of existence. Ignorant of the just value, and having no distinct idea of the real blessings or evils of life, as they affect their own condition, or influence their circumstances, present and future, they mistake shadows for realities, and instead of pressing forward, with steadiness, in the path of wisdom, of prudence and of virtue, follow a deceitful phantom, the airy creation or whim of their own imagination.

It is by his intellectual endowments, alone, that man possesses any superiority over other animals; and it is solely by the cultivation of his mind, and the proper exertions of his reason, strengthened by knowledge, that one man possesses that moral influence and power, of which his neighbour is deficient. Had man been dispossessed of reason, or the power to acquire and make use of knowledge, he must have forever remained in the same condition in which nature first placed him in this world. His history, instead of exhibiting a constant progress from barbarism to refinement, must have presented a continued and uniform scene; leaving no room to look forward to any future period of his existence, when his character should attain a higher degree of perfection. But constituted as he now is—capable by the cultivation and exercise of his reasoning powers of directing his own conduct, and regulating his own destiny—and urged by an internal impulse incessantly onwards to new and more ennobling efforts, and furnished with the means of communicating his thoughts to others, of influencing by his knowledge, not only those that immediately surround him, but likewise those who are separated from him by distance of place, and even succeeding generations, he has been found capable of efforts no less astonishing for their magnitude, than important for their utility. Upon every thing he has exerted his mind—and from the comforts of the domestic fireside—the happiness of communities the means which support and those which embellish life—the shock of nations upon the ensanguined plain and their intercourse in peace—all have been beneficially influenced by the powers which that mind, strengthened by knowledge, has been able to exert. And we may look forward with confidence to some future period in the history of our race, when man's advancement in knowledge, and the complete triumph of true philosophy over prejudice and error, shall have elevated his character to that degree of perfection, at which the author of his existence, evidently intends it to arrive. Science, civilization and liberty, though as yet far from being universally extended, are nevertheless widely diffused, and are daily spreading more and more their benign influences. Though the aims of ambition, and the indolence of the many, may indeed for a time interrupt their progress, yet the present state of Society seems such as is calculated to secure it effectually against the baneful effects of ignorance, bigotry and despotism, which have so

frequently proved fatal to the improvement and the happiness of our species through so many ages.

The sublime discoveries in the natural and moral sciences, which the faculty of reason, when brought into exercise, has enabled him to make, have opened for man's enjoyment innumerable springs of the purest delight and instruction—calculated to ennoble his nature, and to inspire him with the most unerring sentiments of virtue. The important truths which science presents to his view, have a direct tendency to elevate and purify the soul, and they furnish to the active principle within, such employment as tends to render it less apt to attach its affections upon objects unworthy of its divine and immortal nature; and thus prevent man from sacrificing his happiness and degrading the image of his Maker with which he is impressed.

To these important effects of knowledge, all alike may have access. The time has at length arrived, when science, divested of her repellent frown, and clothed in the every day garments of common life, speaks a language which all alike may understand. She no longer dwells with the pale solitary student, but walks forth into the busy haunts of commerce and of trade. She seeks the ploughman amid the furrow, and is no longer a stranger in the work-shop of the mechanic. Her favours, however, must be sought and won. She meets industry half-way, but flies from indolence and apathy.

What an animating prospect does this afford.—The benefits of knowledge are within the reach of all who will stretch forth a hand to grasp them. What constant comfort this to cheer the labourer on amid his daily toils! How much must it elevate his self-esteem, to be assured that he too, may now command that intellectual wealth, which will place him on a level with the mightiest in the land, and of which neither the caprices of fortune—the ordinary accidents of life, nor the villany of others can deprive him. Every man however humble may be his station and his calling, has it in his own power, in a great measure, to ensure his own respectability—to establish on a solid foundation his happiness in life, and to command success in whatever honorable enterprise he may propose to embark. It was well remarked by Judge Story in addressing the mechanics' Institute of Boston, that much less of success and happiness in life is in reality dependent upon accident, or what is called luck, than is commonly supposed. Far more depends upon the objects which a man proposes to himself—what attainments he aspires to—what is the circle which bounds his vision and his thoughts—what he chooses, *not to be educated for*, but to *educate himself for*. Whether he looks to the end and aim of the whole of life, or only to the present day or hour; whether he listens to the voice of indolence or vulgar pleasure, or to the stirring voice of his own soul urging his ambition on to the highest objects. If his views are low and grovelling—if the work-shop, in its cold routine of duties, and sensual indulgence, with its brutalizing effects, bound all his wishes—his hopes, his destinies are already fixed, and the history of his whole life may be read, though the blush of youth still linger on his cheek. It is not a tale merely twice told; it has been told for millions! If on the other hand he aspires to be a man, in dignity, independence, spirit and character, and to give to his talents their full scope and vigour—if to a steady devotion to the practice of his art, he adds a scientific study of its processes and its principles, his success is as sure, as any thing on this side the grave can be. He may even go farther, and dream of fame, and if he possess the sagacity of genius, may build a lofty and solid immortality upon the foundation of his own exertions.

These blessed effects of industry and zeal in the cultivation of knowledge are proved by innumerable examples. How many of those to whom mankind look up with gratitude as the authors of some of those inventions and discoveries from which they are now reaping the most solid advantages, were bred at the plough, in-

the workshop, or even to the lower branches of mere manual labour. Genius, talents—the powers to bless mankind, by improving their moral and physical condition, belong to no favoured class of society. Their possession and cultivation have caused thousands to burst the fetters which bound them apparently forever to the earth, and place themselves upon the most envied pinnacle of Fortune's Temple—upon the highest rank of Fame's bright roll. Let us refer to some of these examples:—

First on the list among the self-taught benefactors of mankind is our own Franklin; whose very poverty in early life, and his employment as a journeyman printer might have been supposed insurmountable obstacles to the attainment of that vast fund of practical, philosophical and political knowledge for which he was so eminently distinguished. He was in very truth, the workingman and student—the philosopher, the sage and statesman. The companion of Franklin, Godfrey, the actual inventor of the Quadrant, was a journeyman glazier. Brindley the celebrated civil Engineer, was until near the age of manhood a carter and ploughman, afterwards a mill-right. Sir Richard Arkwright, celebrated for his improvements in Cotton machinery, was a poor barber. Her-schell, whose discoveries in Astronomy, will ever connect his name with the history of the science, was a drummer. Gifford, the translator of Juvenal, and for many years the able editor of the London Quarterly Review, was originally apprenticed to an obscure shoemaker, and afterwards wrought many years as a coal heaver. The two Stephensens, father and son, were both of them among the best and most laborious printers, and most learned men of their age. To these we may add the names of Aldus, Turbenus, Froben, and Caxton, printers, who to mechanical ingenuity added the most profound erudition. Watt, the improver of the steam engine, we might almost say the inventor, was a mathematical instrument maker. Ferguson, the celebrated astronomer, commenced the study of that science when yet a farm servant and shepherd. Not dissimilar was the early life of Rittenhouse, who, when a young man, used to draw geometrical diagrams on the shafts of his plough, and study them as he turned up the furrow. Lord Chancellor King, of England, was a grocer during that period of life, which is ordinarily spent in academical studies. Chief Justice Pratt, of New York, was brought up a carpenter. Sir Humphrey Davy, though not actually a labourer or mechanic in his early days, encountered difficulties and obstacles to study, equal to what most mechanics can anticipate, and yet his brilliant discoveries in chemistry have, while they administer to the comfort and advantage of the citizens of every country, given him a name that shall never die. The poor Genoese pilot, Columbus, amid the toils and perils of a seaman's life, rendered himself the most accomplished geographer and astronomer, and the boldest navigator of his age. The celebrated Ben Johnson, the contemporary, almost the rival of Shakspeare, was at one period a common soldier, at another a journeyman bricklayer. Burns, the sweetest of Scotia's bards, was a farmer and a day labourer. Of the successful union of mercantile enterprise with the polite literature, philosophy and science, we have striking instances in Cosmo and Lorenzo de Medicis Guigo, Ricardo and Roscoe. What a curious sight, says a celebrated French writer, to see the same person with one hand sell the commodities of the Levant, and with the other support the burden of a state; maintain commercial agents, and receive ambassadors; make war and peace; oppose the Pope, and give his advice and mediation to the princes of his time; cultivating and encouraging learning, and giving an asylum to the learned Greeks who fled from Constantinople. Such, however, was Lorenzo de Medicis. And when to these particular distinctions the glorious names of Father of his country and mediator of Italy, are appended, who seems more entitled to the notice and admiration of pos-

terity than the illustrious trader and citizen of Florence. But were I to attempt a complete enumeration of the labourers, the mechanics, the artisans and traders, who, by the exertion of minds, cultivated often in the midst of difficulties a vulgar spirit would consider insurmountable, have raised themselves to fame, and improved, benefitted and instructed their fellow men, in remote nations, and through numerous centuries, I should far exceed the limits of this address. Enough has been said, to prove my proposition—the private advantages and public good to be derived from the acquisition of knowledge by all—even the humblest class in society. So true is it, that,—

Honor and worth, from no condition rise,
Act well your part, there all the honor lies.

But it may be asked, what is the kind of knowledge that is most calculated to produce the beneficial effects we have so imperfectly detailed? I would answer, unhesitatingly, the knowledge of facts! The laws of matter and of mind deduced from and established by those facts! In addition, to the exact sciences, history and biography, which have been aptly styled philosophy teaching by example, geography, ethics, and the general principles which concern the rights of persons and property—the sources from which these rights are derived—the means by which they are maintained and secured, and the mode and extent in which they may, on occasions, be alienated, transferred, or forfeited, are all important branches of knowledge to the American citizen. Who, however humble his rank in society may appear, if he act well his part, has a fair prospect of being called upon, to assist in the councils of his state or nation—to sit in the magisterial chair, or upon the bench of one of our courts of justice, where upon the correctness of his judgment and the extent of his knowledge, may depend the rights, the freedom, the character, and possessions, nay, the very life of his fellow man.

But even what have been called the more abstruse sciences, are of immense advantage to the labouring class. Geometry and the laws of powers and of forces, will aid greatly, the carpenter, the machinist, the ship-builder and the mason in conducting their labours, and improving upon the models in their particular departments, already in existence. Astronomy and meteorology in their broadest sense, are of the first importance to the seaman, often to the agriculturist. By the first, the knowledge they impart may be directed often to the preservation of the life and property committed to his charge; by the latter, to the increase of his crops, and their preservation from blight and mildew. Natural history, in its various departments, will aid the farmer and the grazier—and the information which this science imparts to them may be—must be, advantageously directed to increase the comfort and the health of whole communities, by augmenting the essential sustenances of life, reducing their price, and improving their quality. Mineralogy is important to the founder, the blacksmith, stone mason, potter and other tradesmen, the materials of whose industry are derived from the mineral kingdom. To what class, I would ask, is not a knowledge of chemistry all important? Its beneficial effects are felt in almost every department of life. The apothecaries' shop by it has been furnished with remedial agents, which, while they are all efficacious in the removal of disease, are deprived of much of that nauseous flavour and incommensurateness of bulk, which formerly rendered the use of medicine so disgusting and harassing to the sick. But not only in this solitary instance are the vast benefits of chemical science exemplified; in a thousand other ways it has ministered largely to the convenience, safety and happiness of man. In the manufacture of the various fabrics of wool, flax and cotton, from the bleaching of the brown fibre; the preparation of the goods for the reception of the various tints intended to be imparted to them; the rendering of these

tints brilliant and permanent, so that they shall not be affected by the air, by moisture, or by soap, we are presented with a series of chemical operations—which can only be conducted with certainty and unvaried success by those who are acquainted fully with the principles of that important and at the same time beautiful science. The tanning and preparation of leather for the various uses to which it is applied, were all involved in mystery and replete with uncertainty, until by the light derived from chemical knowledge, they were reduced to well established principles. The arts of glass making and printing, the manufacture of soap, candles, hats, china and the various kinds of pottery, the preparation of salt and the refining of sugar, are all intimately dependent upon chemistry—a knowledge of that science is calculated to improve, and add to these processes, and create new ones. To the agriculturist, chemistry furnishes principles and agents of inestimable value. It teaches the proper food of plants, the choice and use of manures,—and the best means for promoting the vigor, growth, and productiveness and the preservation of the various vegetable tribes. Chemistry directs likewise the labours of the husbandman. In the dairy, milk cannot be kept fresh and sweet, butter cannot be properly made and cured, nor cheese prepared, without a skill founded wholly upon chemical principles. The culinary arts, for preparing wholesome and nutritious food, and preserving it fresh and palatable for many years, is largely indebted to chemical knowledge. To the domestic economist, this science abounds with pleasing and useful lessons. It enables him to make a proper choice of meats and drinks,—it directs him to those measures with respect to aliment, clothing, air and temperature, which have the greatest tendency to promote health, enjoyment and cheapness of living,—and it sets him upon his guard against unseen evils, to which they who are ignorant of its laws are continually exposed. There is in fact no human occupation which it does not enlighten, and upon the perfection of which it has not exerted a powerful and beneficial influence. It enters with the miner into the bowels of the earth, and by its safety lamp renders him perfectly secure, from the destructive explosions by which previously so many thousands had been destroyed. It aids the laws of the country, by affording the means for the detection and conviction of the secret murderer. It has disarmed pestilence of its terrors, and destroyed the seeds of disease before they have had time to bud, by its disinfecting chlorides. It has indeed conferred benefits where they were least to be expected. By explaining the origin and causes of certain natural phenomena, it has put to flight the whole host of goblins, imps and spirits, that formerly inhabited every low ground and waste place, and were supposed to require some potent incantation to prevent their malignant influence upon man and beast. Superstitions and omens, wandering lights, shrouded ghosts, death tokens and the host of fearful creation that were wont, in days of ignorance, to inhabit the gloom of night, have been completely disarmed of their terrors, and now afford amusement to children, when formerly they appalled the stoutest heart.

Sciences, even, which appear the most trifling, and least susceptible of application to useful purposes, are often the means of vast benefit to individuals, communities or nations. Thus, the entomologist, though he may appear merely to be employed in the chase of moths and butterflies, or in the collection of useless insects, has exercised in his country's service the knowledge which he has acquired of the species, habits and properties of the objects of his studies. Thus during the last war, we risked being entirely deprived of blistering flies at a time when we most needed them; the entomologist pointed the apothecary to the potato bug, possessing all the properties, and equal in quality to the imported fly. In the life time of the great naturalist, Linnaeus, a kind of worm burrowed in the timber used for ship building in the royal dock yards of Sweden, and be-

came every year more numerous and destructive. The King requested the naturalist to inquire into the cause, and discover a remedy for this growing evil. Linnaeus found that the worm was produced from a small egg, deposited by a fly or beetle, in cracks upon the surface of the wood, from whence the worm, when hatched, began to eat into the substance of the timber. After some time, again emerging in the form of a fly of the parent species, it commenced laying its minute eggs upon the surface of the sound timber.—Linnaeus knew that the month of May was the only season in which these eggs were laid,—hence he directed all the green timber to be immersed in the sea, before this month commenced, and to be kept under water until it had entirely passed. The flies being deprived of their appropriate nests, could not increase, and the species, in a short time, was either entirely destroyed, or forced to migrate to some other country. Thus, however contemptible knowledge may appear at first sight, its effects are invariably beneficial.

But it is now time to say a few words in reference to our own institution for promoting moral and intellectual knowledge; to indicate its present condition and estimate its future prospects.

The Southwark Institute was regularly and efficiently organized in the autumn of the past year, and now includes among its members, a large portion of the youth of this district.

The manner in which it aims to attain the great object of its founders is, first, By the establishment of a library. Thus placing within the reach of an interesting class of the community, the main sources from which useful information is to be acquired, and inspiring them with that taste for its acquisition, which nothing but an acquaintance with the recorded wisdom of ages, could so effectually produce. The nucleus of a respectable library has already been collected; principally from the donations of different friends to the enterprise. It is still, however, too limited to satisfy the wants of those who have access to it, and the liberality of the public is appealed to, in order that the library may be established upon that extensive footing which shall most benefit the community, and confer the greatest amount of credit upon the district in which our institution is located. A second means for promoting the objects of the institution is by opening a reading room for the use of its members, and supplying them with the monthly, weekly and daily journals published in our city and elsewhere.—Those living chroniclers of the times—which connect as it were, in one great family the citizens of every part of our country—and of the civilized world—form a stronger bond of union between all sections and all classes—and more effectually secure the rights and promote the comfort and well-being of all, than any other means at once so simple and so cheap. The commissioners of the district have kindly granted to the institute the use of a commodious apartment within this building, and a few of the editors of the daily papers have liberally supplied the tables with their own and distant journals. A third means for promoting the objects of our institution is by lectures on scientific subjects. This department is as yet but imperfectly organized. Lectures, have, however, been already delivered by different gentlemen, and a part of a regular course was attempted by one individual, which, so far as the speaker can learn, was well received by the members generally. The great difficulty in this department is to procure a sufficient number of lecturers, so as to keep up the system, and at the same time, not to interfere with the indispensable engagements of any one who may undertake the task, by requiring them to devote individually, more than one evening occasionally. We are well assured that there are gentlemen fully competent to communicate instruction on various scientific subjects, by lectures, who have the will as well as the leisure to promote in this way the grand object we have in view. There are certainly few shapes in which they can em-

play their talents with so little inconvenience, so as to promote a greater amount of good to society, or so satisfactory to themselves. A fourth means for obtaining the objects of this institute is by debates among its members,—excluding sectarian differences in religion, and party disputes in politics. Well conducted, these debates excite to industry in the acquisition of knowledge—promote facility in its application—fix facts more firmly on the mind—remove mistakes and errors—induce enquiry, and tend to cause a beneficial emulation to spring up among all who take a part in them, while they instruct equally those who stand by and listen.

Such, my respected hears, are the outlines of our organization. It remains with you, by extending your countenance and fostering care to our infant institution, to enable us to carry all our plans fully into execution, and to insure those advantages they are calculated to confer upon the rising generation, upon you—upon all of us. But we have no fears—we look confidently for your approbation and support. We live in an age, and among a people alive to the best interests of their fellow men, and anxious to extend far and wide the light of knowledge. We live too, within a district, the citizens of which are not behind those of any other in patriotism, in enlightened views, and active usefulness.

We are fully assured that you will pronounce the sentence—The Southwark Institute shall succeed and prosper, and that with you to pronounce is to accomplish.

From the West Chester Democrat.

THE RAIL ROAD.

On the 25th inst. (Christmas) a number of respectable gentlemen, among whom were Gen. Workman, Secretary of the Land Office, Col. Ringland, Speaker of the Senate, Messrs. Hayes and Sangston, of the Senate, and Messrs. McCreery, McElwee and Barclay, of the House of Representatives, and Mr. Bonsall, U. S. Marshall, Richard Penn Smith, Esq. and other citizens of Philadelphia, accompanied by some of the Directors of the West Chester Rail Road Company, took seats in a splendid Mahogany car—crossed over the bridge, passed up the plane, and arrived in our borough in time to partake of an excellent dinner, which had been prepared for the occasion at Mr. Reed's hotel. The party was waited on by a number of the gentlemen of the borough, with every demonstration of respect, which could not fail to make them feel they were welcome to partake of the hospitality of West Chester; not only so but that their visit was well received. Our visitors expressed a general satisfaction with the appearance of our borough, the improvements, and evident prosperity of the surrounding country. As soon as the dinner was over, a few lively and appropriate toasts were drank, and the party returned to the city, leaving us to regret that their business would not permit them to remain with us a longer time.

This, we believe, was the first car, passing between this place and the city, that passed over the bridge. We understand that it is the intention of the West Chester Company to establish a tri-weekly line of burden cars on the road, in the course of a week or ten days. Thus those who desire to send grain, flour, &c. to the city, or to obtain store goods, plaster, or any other articles from that place, will be enabled to get them transported with safety and despatch, and we would suppose at much less expense than by any other mode.

A RELIC OF OLDEN TIME.—The Germantown Academy Bell, has just been taken down to be recast, by the bell company in Kensington—it having been fairly worn out in the service of the town, by being hammered thin at the striking points, and thereby cracked, and no longer able to perform its wonted functions.

This Bell came out first to "the Colony," in the cele-

brated "Tea Ship," which was not permitted to land her cargo at Boston. The bell therefore, went back to "Old England," and rested itself under the protection of His Majesty, until the proclamation of the peace of 1783, when it was again embarked for the "Free State of Pennsylvania," and in due time was installed into its office in the cupola of our own academy.—*Germ. Telegraph.*

HOUSE OF REPRESENTATIVES.—One of the Representatives of this county, has kindly furnished us with an annexed statement of the professions and callings of the members of the present House of Representatives. It will be seen, and especially by those who have been so much invidiously harping upon the subject, that the farmers and mechanics, have the decided ascendancy, at least in this branch of the Legislature. We thank our correspondent for his attention.

Farmers,	-	-	50	Surveyors,	-	-	1
Attorneys,	-	-	14	Tanners,	-	-	1
Merchants,	-	-	8	Coachmakers,	-	-	1
Doctors,	-	-	5	Painters,	-	-	1
Gentlemen,	-	-	4	Potters,	-	-	1
Iron-masters,	-	-	3	Fullers,	-	-	1
Manufacturers,	-	-	2	Chairmakers,	-	-	1
Millwrights,	-	-	2	Confectioner,	-	-	1
Carpenters,	-	-	2	Instrument Maker,	-	-	1
Professors,	-	-	1				

Members, 100
16.

LIST OF DEAD.—Buried in the Common Burying Ground last year.

Adults	-	-	14
Children	-	-	17
Colored people	-	-	4

In St. Stephen's Churchyard.

Adults	-	-	4
Children	-	-	5

Total - - - 44

Of these were inhabitants of this Borough,

Adults	-	-	13
Children	-	-	12

The others are from the environs of this Borough, and strangers.

JOHN M. KIENZLE, Sexton.

Wilkesbarre, Jan. 2, 1834.

Herald.

MEADVILLE.

COLLEGE BELL.—The College Bell has been hung—it is of a fine tone, weighs upwards of 300 lbs. and can be heard very distinctly over town. It was presented to the Institution by the Rev. Zera Costin of Pittsburg. We have now five fine bells, viz: the Court house—College—Episcopal church—Presbyterian church, and Academy; the largest of which is that of the Court house, weighing, we believe, 800 lbs., and has been distinctly heard a distance of 7 or 8 miles. In our village six denominations of Christians meet weekly for worship, viz: Presbyterian, Methodist, Episcopalian, Unitarian, Baptist, and German Reformed. Of these, the three former own large and handsome churches. Bishop Onderdonk remarked that the Episcopal church of this place was, in an architectural point of view, the finest in the diocese. The Baptists own a small neat church. The Unitarians contemplate building one. The Catholics also contemplate building a chapel about six miles east of town.—*Crawford Messenger.*

WALNUT STREET PRISON.—The number of convicts confined in the Walnut street prison on the 1st inst. were 271 men, and 38 women. In the Prune street apartment, 4 men, and 38 boys. Total, 351. On the 1st of January, 1833, the whole number was 402—decrease in one year, 51.

REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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PHILADELPHIA ICE COMPANY.

First Annual Report of the Directors of the Philadelphia Ice Company to the Stockholders—Dec. 12, 1833.

The Directors of the Philadelphia Ice Company present to the Stockholders the following Report of their proceedings.

Immediately after their election, the Directors proceeded to organize the Board, in conformity with the provisions of the Articles of Association; and appointed Richard Peters, President, and Lewis Krumbhaar, Vice-President. It was resolved to adopt measures, without delay, for the purchase or rent of a proper lot of ground for the erection of an Ice-House, in a situation favorable to the operations of the Company: and an instalment of ten dollars on each share was required from the Stockholders. The Board appointed George Y. Browne the Secretary and Treasurer; and fixed his compensation at the rate of four hundred dollars per annum, for six months. Mr. Browne, having given security to the satisfaction of the Board, in the sum of ten thousand dollars, immediately entered on the duties of his office.

The efforts of a committee raised for that purpose, were supposed to be successful in procuring a lot of ground, owned by Mr. William Bethell, upon which it was proposed to erect forthwith, a spacious Ice-House, of a capacity and form to be fully adequate for the preservation of the quantity of Ice estimated as necessary for the purposes of the Association. The Board considered a building which would contain about two hundred thousand bushels of Ice, called for by the expected demands of the Stockholders, and the public.

The property which the Board desired to purchase of Mr. Bethell, is situated on the Columbia Rail Road, and but a short distance from the river Schuylkill. A particular and personal examination of it by the Board, resulted in a conviction that it was the most eligible of any situation that could then be obtained.

The necessity of immediate and active measures to construct the Ice-House, in time to become the depository of Ice for the supply of the Company and the public, enjoined that instant possession, under a clear and unincumbered title, should be obtained, of any property the Board might select. The delay of a few days might be fatal to the purposes of the Association, as the length of time in which the Ice-House was required to be erected and to be in a situation to receive Ice was less than three months; a period too short, unless great and unimpeded efforts should be made to construct it.

In the full and confident expectation of possession being immediately obtained, the Board agreed to purchase the property of Mr. Bethell for the sum of seven thousand dollars; of which two thousand five hundred were to be in cash, and the residue in three equal annual instalments, bearing interest: the funds of the Company were sufficient for this arrangement; but they were not sufficient for the cash payment of the whole purchase money.

Immediate preparations were made to excavate the ground for the building: the Regulator of the District was called upon to run the front line upon the Rail Road, and to determine whether certain proposed streets would pass through the property.

A Committee of the Company visited the ground, and fixed the precise location of the house, and a contractor to remove the earth for the foundation and superstructure, was ready to commence the work.

Mr. Bethell was not prepared to comply with his contract. The lot was incumbered with a mortgage to the amount of four thousand five hundred dollars, which the mortgagor was bound to pay off to the full amount, at a period much earlier than Mr. Bethell had agreed to allow to the Company for the payment of that portion of the purchase money. As a Stockholder of the Company, and from communications made to him, Mr. Bethell well knew the purposes for which the property was to be purchased, and the intention to use it for that purpose without the delay of a single day. The cash payment, according to the terms of the agreement, was offered to him by the Treasurer, at the time fixed by him to make the title: at which time it was expected the incumbrance referred to would have been removed. This was not done, but it was explicitly promised by him that it should be done in a day or two, when he would receive the cash payment, and execute the deed. This was not done, and from the time of the offer of the cash payment, the 25th day of October, until the 26th day of November, no further communication was received from him.

The silence of Mr. Bethell, and his full knowledge of the peculiar character and objects of the proposed purchase, and other circumstances, induced and justified the opinion that he was willing to consider the arrangement for the property at an end, if the Board should acquiesce in its determination. This consent was freely given by a letter, addressed to him, by the President of the Board. The obligations of the Board of Directors to the Stockholders, called imperiously for this course. It was not until the 26th day of November that the Board was informed by his letter of that date, that Mr. Bethell still considered the contract for the purchase of the property, as existing, and that he would insist on its performance. Such a demand on the Company was as unexpected as it was unwarranted by the facts of the case. While it is freely admitted that time may be dispensed with, if it be not of the essence of the contract, it is insisted that circumstances may render the time in which the contract is to be executed, material and vital to its continuance. Such circumstances unquestionably did exist in the arrangement with Mr. Bethell. The whole purposes for which the purchase was intended to be made, would have been defeated, had the Board postponed commencing the building until the 26th day of November, when, and not before, so far as the Board had knowledge of the real state of things, he was ready to execute the contract on his part. To have attempted the construction of a building commenced at that, or after that time, would have been a violation of the duties of the Directors to the Stockholders.

A building commenced at that time might not have been raised, and certainly could not be roofed in, under the obstacles of the winter season, until March or April, in the approaching year; although it would be required for the depositing of Ice in January and February. It is only to state the case, to establish the injustice of a claim upon the Board to take the property thus situated.

The Board have been this particular in stating the circumstances of the negotiation with Mr. Bethell, as it has been recently communicated to the President, that he intends to institute a suit against him for damages, for the non-performance of the alleged contract. Of the result of such a proceeding, no apprehension can be justified. If the Board had not, indulging the most liberal and generous views on the subject, consented to rescind the purchase, a just and legal claim on Mr. Bethell for damages, might be entertained. All the correspondence of that gentleman accompanies this report.

It was important to the Board to ascertain the most approved mode of constructing Ice-Houses, and the most successful and economical usages for filling the same. For the purpose of procuring this information, the Board offered a premium of fifty dollars for the best plan of an Ice House; and instituted other inquiries. The larger Ice-Houses in the neighborhood of the city, were examined by some of the members of the Board; and facts and suggestions earnestly sought and collected, with every diligence.

The result of these measures was an entire change in the plans of the Board, for the form and the manner of constructing their Ice-House. Instead of placing it *in the ground*, it was found in their opinion, derived from the information communicated to them, decidedly preferable to place it *above the ground*; and instead of constructing the chambers for the deposit of the Ice, of stone or brick, it was found most advantageous to make them altogether of wood. The Board, as the most satisfactory mode of communicating to the Stockholders the inducements to this change, and the adoption of the plan referred to, ask leave to introduce a letter from Mr. Metcalf, of Cambridge, Mass. by whose suggestions they have been principally governed in the construction of the building now erecting, and to whom, for the valuable information received from him, they have awarded the premium.—(*Appendix, No. 1.*)

Subsequent investigations, diligently prosecuted by the Board, have fully sustained the determination to erect and charge the Ice-House on Mr. Metcalf's plan. In all the Southern States, in the West Indies, and other places, Ice-Houses placed above ground, the sides charged or filled with non-conductors of heat, such as tan, saw-dust, charcoal, or straw, are used with uninterrupted success. It has been communicated to the Board, that a loss of not more than eight per cent is sustained in some of those Ice-Houses; while the loss of Ice in the Ice-Houses constructed in the usual form is said to be upwards of sixty-six per cent. Not more than one-third of the Ice deposited in such Ice-Houses is preserved to the period when it is required for consumption.

The Board was desirous to afford to every one an opportunity to contract for the building, on the most advantageous terms to the Company. Proposals for construction were invited by public advertisements; and an arrangement entirely satisfactory was made with two of our principal carpenters, Messrs. Courtney and Wiley, to do the work of the building at fifty per cent deduction from old price, the Board to find all the materials.

Not having obtained an unincumbered title to the property proposed to be purchased of Mr. Bethell, the necessity of immediate action on the subject, and considering the situation equally advantageous, the Board agreed to take, on ground rent, of H. J. Williams, Esq. a lot on the south side of the Columbia Rail Road, and near the bridge now being constructed over the river Schuylkill. The lot is two hundred feet front on the Rail Road and River, and nearly three hundred feet in depth. The Board have reserved a right to take one hundred feet more within one year, at the same ground rent of two dollars per foot. This location of the buildings and property of the Company, has been named "*Iceberg Place.*"

The position of the Ice-House upon this lot, will

enable the Company to carry into execution all the most approved and economical plans for constructing and charging the Ice-House.

Placed on the margin of the river, the Ice can be taken by machinery and put immediately into the building; its proximity to the Rail Road will afford all the facilities of the use of that most efficient mode of transporting the Ice to the city. It is intended that the Company shall avail itself of all these advantages. The cars to take the Ice to the city, may be loaded in the Ice-House and brought into the city, to be afterwards put upon wheels and serve as refrigerating chests of Ice, from which deliveries to the Stockholders and the customers of the Company will be made.

The Ice-House will be two hundred feet long, fifty feet wide, and twenty five feet high, divided into four equal compartments of fifty feet each; the sides of the House are formed by plank, spiked on the interior and exterior surface, to the framing, leaving interstices or intervals to be filled up with the most approved non-conductors of heat. The joints of the planking will be made airtight, by means of oakum and pitch; the roof of the building has an interior lining, leaving a space to be filled with a non-conductor. The framing is on a foundation of stone, and the bottom of the Ice-House will be paved with bricks laid in brick clay, presenting an elliptical surface for the purpose of easy drainage.

Every effort for an economical use of the funds of the Company has been made by the Board; the materials have been purchased for cash, on the lowest terms. A competent agent, Mr. Courtney, was sent to Port Deposit, with funds to procure the plank and shingles; and the success of this measure has fully answered the expectations of the Board of Directors. Without an important exception, all the materials for building are upon the ground.

The Board have great satisfaction in assuring the Stockholders that the progress of the work is such as to authorize a confident belief that it will be completed in time to receive Ice. The contractors have used all the fidelity, diligence and speed which their engagements, and the demands of the Board upon them made necessary. By the beginning of January, should the season admit it, Ice may be stored in the building. The contract with Messrs. Courtney & Wiley, and the accounts with others who have furnished materials and workmanship for the Company, are laid before the Stockholders.

It became necessary soon after the organization of the Board, to appoint a Superintendent. The duties of this station comprehend the whole business of the Company, with the exception of its office arrangements and accounts. Integrity, diligence, and a practical acquaintance with works of the description of the building of the Company, with habits of directing such persons as those who shall be employed to fill the Ice House, and distribute the Ice to the Stockholders and others, are essential requisites in the character and conduct of such an officer. His whole time must be exclusively and uninterruptedly devoted to his duties, and his frequent intercourse with those who may become the customers of the Company, when Ice is distributed, and with others, require that he should have other requisites in addition to those which have been named. During the period when the Ice House is to be filled, he will be called upon to superintend that operation both day and night. During the season of its distribution and sale, much of the night and early morning must be employed in loading and despatching the Ice Cars under his supervision; the Board deemed the sum of one thousand dollars a proper salary for this office, and they fixed it at that rate. Mr. Robert Brooke, long known as having filled the offices of County and City Commissioner, and other stations of trust with integrity and general satisfaction, has been appointed the Superintendent, and having given the required security, immediately entered upon the duties of his office. His conduct since his

appointment has fully justified the confidence of the Board. A Report from him on the progress and state of the work, and the business of the company, is submitted with this report.

The suggestions in the letter of Mr. Metcalf, before communicated, have induced the board to direct Mr. Brooke to proceed to Boston. The letter of instructions under which he acts, will fully exhibit the purposes and importance of his mission. A copy of that letter is respectfully submitted as part of this report.

It will be seen by that letter, that the Board contemplate securing, at all events, a sufficient quantity of Ice for the wants of the Stockholders; to be imported from the East in the event of a failure of season here. This measure is considered obligatory, and unless disapproved by the Stockholders, it will be carried into execution.

The necessity of a building for the protection and comfort of the workmen employed by the Company, and for the residence of some one, who being near the Ice-House, and other property of the Company, may have charge of it, have induced the Board to cause to be erected, an accommodation house, of suitable dimensions. It is nearly completed, and is constructed of the cheapest materials, in a cheap, and workmanlike manner. It will not exceed in cost, seven hundred and fifty dollars.

By an insurance on all the buildings against fire, to the extent of four thousand seven hundred and fifty dollars, the interests of the Company are protected from loss by such a disaster. This insurance will be increased when the buildings shall be completed.

The Board cannot with accuracy state the whole cost of the buildings of which they have authorized the construction, of the arrangement for filling the Ice-Houses, and of the cost of subsequent delivery of the Ice to the Stockholders and others. It is confidently believed that the present amount of capital will be fully sufficient for all these purposes; if it shall be found otherwise, additional shares may be disposed of. The Board will have no difficulty in doing this, as the whole six hundred shares have been subscribed for, and constant applications are made for an increase of the number. A second instalment of ten dollars on each share of stock was required by the exigencies of the Company; many of the Stockholders have paid the whole amount payable on their stock.

The Board were directed by a resolution of the Stockholders, to apply to the Legislature for an Act of Incorporation. Preparations for this application have been made, but it has been considered advantageous to postpone the draft of the law which should accompany the application, until after the present meeting of the Stockholders. Important alterations in the Articles of Association may be made at this meeting, which may require that the draft shall be new modelled.

The Board lay before the Stockholders the accounts of the Secretary and Treasurer, and the Bank Book containing the account of the Company with the Schuylkill Bank, the Minute Book and Letter Book. All other books and papers of the Board, are subject to the orders of the Stockholders.

All which is respectfully submitted.

By order and on behalf of the Board of Directors.

RICHARD PETERS, *President.*

Directors of the Company, for the ensuing year.

Richard Peters,
William Meredith,
Lewis Krumbhaar,
John Wilbank,
William Gravenstine,
Alexander Henry,

Elias Durand,
Christopher Marshall,
John Draper,
Thomas P. Roberts,
Thomas McGintoch,
Jacob G. Morris.

George Y. Browne, Treasurer, in Account with the Philadelphia Ice Company.

1833.

DR.

Dec. 12. To cash; being amount received from Stockholders for the first and second instalment, and in full for sundry shares of Stock, \$11090 00

"Cash returned by Joseph Courtney, after his journey to Port Deposit. 5 00

11095 00

1833.

CR.

Dec. 12. By cash; expended on Property Account, for materials used in building, laborers' wages, and payment to the contractors for building on account, for horse, car, &c. \$5483 06

"Cash; Superintendent's Account; advanced to him for the purchase of tools, feed for horse, journey to Boston, &c. 218 65

"Cash expended for Current Expenses; being amount paid for fitting up office, for books, stationary, printing, fire insurance, per centage paid to Messrs. G. & J. Gatchel, and William Bedloe, for collecting subscriptions to stock, premium to E. W. Metcalf, Esq. officers' salaries, &c. 587 85

"Cash; Profit and Loss on two five dollar counterfeit notes* 10 00

"Cash on hand, as exhibited by Bank book, 4795 44

\$11095 00

GEO. Y. BROWNE, *Treasurer.*

Philadelphia, Dec. 12, 1833.

E. F.

The Committee of Accounts, appointed at the Annual Meeting of the Stockholders, held December 12, 1833, to audit the accounts of the Treasurer of the Company, Report, They have examined Treasurer's Accounts, and compared them with the vouchers, and find them correct, leaving a balance in the Treasury of four thousand seven hundred and ninety-five dollars, and forty-four cents.

ROBERT GOVETT,
JOHN TOLBERT,
JOHN W. DICKSON.

December, 14, 1833.

APPENDIX.

No. 1.

CAMBRIDGE, MASS. October 14, 1833.

Dear Sir,

A friend of mine in Philadelphia, has sent me a paper containing your advertisement, relative to an Ice-House, knowing that I have had some experience in securing, preserving and vending Ice. Within a few years, many important improvements have been made here in the construction of buildings for securing Ice, but much greater in the manner in which the Ice is collected and deposited in the buildings, so that the expense of filling an Ice-House is lessened within the last eight or ten years, more than sixty per cent.

A friend of mine here, who has had a good deal of experience and practical knowledge in the business, having been principally engaged in it for 12 or 15 years, might probably, be of more service to your mechanics than all the letters and plans you can obtain from any direction. I find he would be willing to spend a short time in Philadelphia, provided he could be well paid for coming on.

*One of these notes has since been redeemed, and will appear in next years' account.

But I will make a few suggestions of my own upon the subject of your inquiry. In the first place, I suspect that Moliere's house, cellar, well, or whatever it may be called, if I have had a correct description of it, is exactly what it should not be, for the purpose. *Let your Ice-House be wholly above ground.* As to the soil on which it is to be placed, this is a matter of not the least consequence.

We generally dispose of Ice here either by the ton, or by the cord. There are about three tons to the cord, and a cord is nearly equal to one hundred bushels; upon this calculation therefore, a house to hold two hundred thousand bushels, must be about forty feet wide, twenty feet post, and three hundred and twenty feet long. It would be rather less expensive to have it all in one building, but if so, it must be partitioned into apartments of forty or fifty feet.

Probably if the whole were divided into two or three buildings, at a distance from each other, in securing so large a quantity, it would better accommodate the Ice, as you would not have occasion to remove it so far. Let your sills, posts, and inside covering be of hemlock, if it can be procured, as this is much less liable to decay, by dampness, than pine. There need be no floor at all; but fill upon the ground a foot or more with tan, or about your underpinning, if you have any, so as to be sure to exclude all the air, and to permit the waste water to run off, for the grand secret of preserving Ice is, *keep it dry and from the air*—wind is more destructive to Ice than heat. You must then fur out, (and this had better be done with hemlock plank) so as to admit of an outside covering of pine, (as hemlock warps badly by the sun) leaving a space between the coverings of about eighteen inches. This space must be filled in solid with tan—tan is the best non-conductor. You must have your firings within two or three feet of each other, or so much weight of tan will burst off the boards. Your partitions must also be doubled, say ten or twelve inches apart, and also filled solid with tan. Let your building be placed upon the margin of the river, the nearer the better, and then by the aid of some simple machinery, you may hoist into your building, at each of your doors, (and you must of course have as many doors as you have apartments) one hundred and fifty to two hundred tons per day, at each door, provided your Ice is of suitable thickness. Your door ways, both in rear and front (for you will put the Ice in upon one side and take it out upon the other) will be left open from top to bottom. As you fill up the building, you will fill up the door-way with short pieces of board, tanned in the same manner as the other parts of the building. Upon the other side, where you are obliged to open constantly to take out the Ice, let the outside covering consist of several doors one above the other, three or four feet long, because it is necessary at all times to keep your building closed as much as possible. In putting in your Ice, let it be *packed as close, and as nearly solid as possible*, to prevent the circulation of air, and cover the whole a foot or two thick with meadow hay; whenever it begins to thaw at the sides of the building, or against the partitions, ram in meadow hay; in this way a great deal of Ice may be preserved, which otherwise would be lost.

But the machinery for hoisting in the Ice, I do not believe I could so describe as to render myself intelligible. This is the result of a great many years' investigation and experience, and the person in my employ, and to whom I before referred, has been, in a considerable degree, the inventor of it. The Ice is cut up into cakes, say two feet by four, and conveyed twenty, thirty or forty rods, by canals cut for the purpose, and hoisted in by the aid of simple machinery, by horse power, and the whole process performed without touching a cake of Ice with your hands, and wholly without the aid of any other vehicle.

The building I have attempted to describe, and the

mode of securing and preserving the Ice practised by us, is undoubtedly the best ever invented; it is the plan and mode now adopted, after much investigation and many years experience, at Fresh Pond, in this place, where probably more Ice is secured annually, than in all other parts of the United States together. The machinery, though very cheap and simple, is a great curiosity; the shape or plan of the building, except so far as to render it convenient, is of no consequence, but the manner of fitting it up is all important in preserving the Ice during the warm season.

Any specific questions which may suggest themselves to you, in relation to the business, I shall be happy to answer.

If you want an experienced man, perfectly acquainted with the business, to carry it on for the Company, I am not sure that the person before referred to might not be inclined to come on. I am not authorized to say that he would, but he has for some months past been talking of the very thing you have undertaken, and a thing but a want of funds has prevented his being in Philadelphia, for the purpose, before this time.

I will add, that I furnished Moliere with several freights of Ice during the last season, and if you are not likely to secure a supply, probably I might be glad to accommodate you.

With respect to the machinery for hoisting the Ice into the building, which I have not attempted to describe, my opinion is, that either your mechanic had better see it here, or some person well acquainted with it had better come there and explain it.

Respectfully,

Your obedient servant,

E. W. METCALF.

RICHARD PETERS, Esq.

No. 2.

Extract from a Letter to one of the Directors.

"The Ice-House I have built, is about sixteen feet square, and eight feet high, built of wood and above ground, except one side; on this the ground is raised three feet; each side is a double enclosing, making a space between the out and inside enclosing of eighteen inches, this is filled with dry pine sawdust; the first covering of the roof is boards, then a thick covering of straw, and finished over with a tight board roof; a loose plank floor is laid, that the water may drain from the Ice; before filling, I cover the bottom twelve or fifteen inches deep with dry sawdust, and when full, before the cold weather moderates much, I cover over the Ice fifteen or twenty inches thick with the dust, and should the dust at any time become moist, I then remove it and replace it with dry dust; this I have not found necessary to do but once in the summer. By this I have Ice the year round.

"The building is shaded with trees.

"I have Ice when my neighbours who have Ice-Houses under ground, have none.

"The first time the house was filled, straw was placed around the sides and bottom, but the Ice was all gone by the 9th month. Since then I have made no use of straw, and have found no difficulty in keeping it.

"I am not prepared to say what per cent loss is made by melting. During the summer and fall of 1832, at the time the Cholera was prevailing, some of our physicians recommended the free use of Ice. At this time there was no Ice-House but mine; many sent for it both day and night, and in order that none should want, I left the house open both day and night, free for all. This exposed it very much; a great deal was taken, and much more wasted, but notwithstanding, there was Ice in the house till it made again."

EASTERN PENITENTIARY OF PA.—On the first inst. there were 153 men, and 2 women, confined in the Eastern Penitentiary of Pennsylvania.

METEOROLOGICAL REGISTER.

*Extract from the Meteorological Register, taken at the
State Capitol—Harrisburg, Pennsylvania,*

By JAMES WRIGHT, Librarian,

AUGUST, 1833.

Days of the Month	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature	Mean temp. of day.	WINDS.
Thermometer.						
1	Thursd'y	60	75	76	70	N
2	Friday	69	81	82	77	N
3	Saturday	69	81	82	77	N
4	Sunday	68	80	78	75	N E
5	Monday	68	80	80	76	S E
6	Tuesday	76	77	80	78	S W
7	Wednesd	75	82	80	79	N
8	Thursd'y	69	77	78	75	N E
9	Friday	70	78	72	73	N
10	Saturday	61	70	70	67	N
11	Sunday	58	70	71	66	S E
12	Monday	71	75	75	74	S E
13	Tuesday	70	79	76	75	S W
14	Wednesd	68	78	78	75	N W
15	Thursd'd	69	80	75	75	N E
16	Friday	64	78	76	73	N E
17	Saturday	66	73	72	70	N
18	Sunday	64	73	70	69	N W
19	Monday	63	75	75	70	N W
20	Tuesday	64	79	78	74	N W
21	Wednesd	66	79	77	74	N E
22	Thursd'y	70	79	78	76	N E
23	Friday	73	75	75	74	N
24	Saturday	62	73	75	70	N E
25	Sunday	62	73	71	69	N E
26	Monday	61	79	80	73	S W
27	Tuesday	62	78	79	73	N W
28	Wednesd	60	70	70	67	N W
29	Thursd'y	54	68	65	62	W
30	Friday	48	68	70	62	W
31	Saturday	60	63	74	67	S W
Maximum on the 7th		-	-	-	-	79°
Minimum on the 29th		-	-	-	-	62°
Difference		-	-	-	-	17°
Mean		-	-	-	-	72°

Atmosphere.

Day of the month.	Morning.	Afternoon
1 2 3 4 7 8 9 10 13 14		
16 17 18 19 20 21 22		
24 25 26 27 28 29 30	24 days	fair
23	1 day	cloudy
4 12 15 23	4 days	cloudy
11 31	2 days	cloudy
Days of the month.		Wind.
1 2 3 7 9 10 17 23	8 days	North
4 8 15 16 21 22 24 25	8 days	N E
5 11 12	3 days	S E
6 13 26 31	4 days	S W
29 30	2 days	W
14 17 18 19 27 28	6 days	N W

On the 2d in the evening, thermometer at 82°, the highest.

On the 30th in the morning, at 48°, the lowest.—Range 34°.

The wind has been 11 days east of the meridian, 12 days west of it, and 8 days north.

There was rain on the 4th and 5th, in the afternoon—heavy rain at night on the 11th and 16th, and rain and hail on the 15th.

Mean temperature of this month 1° colder than last August.

SKETCH OF ANDREW WALLACE.

Sergeant Wallace was born in Inverness city and shire, Scotland, on the 51th day of March 1730, old style; he arrived in America on the 14th of June, 1752. About the 1st May, 1754, I entered as a volunteer at Chester, and was appointed orderly Sergeant in a company commanded by Captain John Hannum, (this was about the commencement of what was termed the French war.) The company before referred to became a part of the regiment under the command of Colonel Charles Darg, of Virginia. We were afterwards marched from Chester to the Gumtree tavern, in Chester county, and from thence to Carlisle, where we were placed under the command of Maj. Samuel Hughes. From the last mentioned place we were marched to Fort Chambers, now Chambersburg; from thence to Fort Loudon, to join the troops raised and to be commanded by General Forbes, whose division was a part of the army commanded by General Braddock, in the year 1755, as no part of the immediate command of General Forbes was in that engagement. About the time of the revolutionary war, viz: the 15th day of April, 1779, I enlisted at the Turk's Head, now West Chester, and was appointed a sergeant in Capt. Church's company, in the 4th Pennsylvania Regiment, commanded by Col. Anthony Wayne, which station I held to the end of the contest. On the 15th of April, 1777, a detachment under Col. Wayne was ordered by General St. Clair to repair to the Three Rivers, to burn and destroy such of the British vessels as they could. In endeavoring to effect the design of this expedition, we came off without doing much damage to the enemy, and with many killed and wounded on our side. This was the first battle in which I was engaged. The second was under Col. Wayne, at the Iron Hills; and under the same officer I fought in the battle of Brandywine, on the memorable 11th September, 1777, and bore General Lafayette off when wounded. On the 16th of September I was near the White Horse, where a battle was sought and anticipated by both armies; but the day being so wet they withdrew without coming to action. I was also in the massacre at Paoli, perpetrated by a detachment of British troops under the command of Maj. Gen. Gray, on the night of the 20th September, 1777, and I have reason to believe am now the only survivor of all who were actors in that sanguinary and melancholy drama. My brother fell a victim, on that occasion, to the savage ferocity of the British troops, and myself very narrowly escaped destruction, by taking shelter in a cluster of chestnut-oak sprouts, where I remained until Monday, determined to wait and ascertain the fate of my brother. One of those sprouts still remains, now grown to a tree of considerable size, and which I can still point out to the curious and inquiring visitor. I was at the battle of Germantown, on the 30th September, 1777; and at that of Monmouth, on the 28th of June, 1778. In February, 1779, Capt. Isaac Seely and myself, with 18 men, were taken prisoners at Paranna, in Jersey. At this place M. J. Biles fell. I was exchanged in April, the same year, returned to the American army, and was sergeant of the Forlorn Hope at the storming of Stony Point, on the 15th of July, 1779. The Forlorn Hope, in which I served, was commanded by Lieut. Knox, of Capt. Grant's company, belonging to the 9th Regiment. I was afterwards marched to South Carolina; was at the battle of the Cowpens, 17th January, 1781; and at that of Eutaw; and also at Camden, under the command of Colonel Stewart. On the 8th of September, 1781, I was at the memorable siege of Yorktown, up to the time of the capitulation of the British army.

After the termination of the revolution, I again enlisted on the 14th of February, 1785, at New Brunswick, N. Jersey, in a company commanded by Capt. Derry Lane, afterwards a concomitant part of the Regiment commanded by Col. Josiah Harmer, of the ar-

my destined to chastise the Mohawk and other Indians on the frontiers, or to form a treaty with them, as circumstances might dictate. A treaty was accordingly concluded with them by Gen. Genesvoort, the agent appointed by the government for that purpose. We had no fighting and I was discharged at the end of nine months, with pay for twelve months, by general orders. In March I again entered the service under the command of Capt. John Mercer, in the Regiment still commanded by Col. Hammar, and from that time I continued in the army for three years, lying at different stations on the western waters, viz: Fort Pitt, Fort Steuben, Fort Finney, (so called in honor of the late Judge, then Brevet Major Finny,) Falls of Ohio, St. Vincent, since called Fort Knox. From there I was ordered home, and acted as a recruiting Sergeant, in New York, N. Brunswick and Philadelphia, where I was successful in raising men. In April, 1779, was transferred to a company commanded by Capt. William Kersey, same Regiment and same Col. as before, and continued 18 months under that command; soldier's pay at this time reduced from 8 to five dollars per month for sergeant, and for privates but \$2 50 per month. In the year 1791, I again enlisted with Capt. Thomas Doyle, of the same regiment before referred to, and then composing a part of the army afterwards commanded by Gen. Arthur St. Clair, destined to chastise the different tribes of Indians then devastating the frontier settlements, and murdering our border citizens. Col. Hammar had resigned, and the regiment was placed under the command of Col. Hambrack. We were marched to the frontiers. I was in the battle denominated St. Clair's defeat, in which our army was completely defeated, routed, and severely beaten, on the 4th of November, 1791. I was wounded by a ball in my right arm, which I have never since been able to straighten, on that unfortunate occasion. The army retreated in confusion from the battle ground to Fort Jefferson, then to Fort St. Clair, to Fort Hamilton, and thence to Fort Washington, where the city of Cincinnati, in Ohio, now stands, and there entered into winter quarters. In the spring, orders, were issued for repairing the different garrisons, and the forces of the different stations were concentrated at Fort Washington, and the army placed under the command of Gen. Anthony Wayne.

I was at the final battle of the Indians, which was under the command of Wayne, at *Route Debouch*. It was fought on the 20th of August, 1794, just above the British garrison, then called Fort Miami. I escaped its dangers unhurt. We remained on the battle ground two nights; marched back to Fort Defiance, thence to Fort Wayne, and to Greenville, where the army went into winter quarters. I afterwards served 5 years in the 3d United States' Sub-Legion, under Capt Zebulon Montgomery Pike, the father of the late lamented Zebulon Montgomery Pike. The sub-legion was dissolved and its remaining complement of men were distributed to the 1st and 2d Regiments. I fell to the 2d, and was commanded by Capt. Wm. P. Schuyler, of New York; continued 8 months in Capt. Schuyler's company, same Regiment, and marched to N. Orleans in 1812, and then became part of the Regiment commanded by Col. Thomas Cushing. In 1813, I was discharged by order of Gen. Wade Hampton, on account of disability, having received a paralytic stroke which affects both my hands, and under the influence of which I still remain at this time. I was about 84 years of age, and now reside in Upper Oxford township, Chester county, and am now one hundred and three years old. I have served America in her different wars, in a military capacity, more than 29 years, during which time I was always a sergeant, and mostly an orderly sergeant. There are many encounters I have had, many skirmishes in which I have been engaged, and many dangers through which I have passed, which my memory does not serve me to relate, and could I give them, with all their particu-

lars, I am not certain they would be heard with interest, for I only must tell them to those who know them by history or tradition. I must seem to the present generation like the chronicler of another world—surely of other times. My companions in arms have mostly sunk to the tomb. There are few, if any now on the face of the earth, who, from their own knowledge of the events I have related, can fully sympathize with me in their recital. I am going the way of all flesh, and will shortly be incorporated with my mother earth, on the surface of which I am scarce able to crawl. Within a short time I have received a little of the bounty of that Government and country whose independence I aided to establish and defend. That bounty affords me about 26 cents per day, a pittance too small to support myself and aged wife and two children. I am old and decayed; as the shattered oak of the forest trembling at every blast, poor and in need, not only of the comforts, but also unable to procure the necessities of life without the aid of charity. It is confidently expected that this appeal of the old soldier will find a favourable response in every generous American bosom, and every patriot and philanthropist will be free in giving, that he may render the declining years of the old revolutioner prosperous and happy. Stranger! Patriot! pass not by, unheeded, a brave defender of your country's liberty.

Washington, April 8, 1833.

Mr. Andrew Wallace, the subject of the foregoing narrative, declared in my presence, that it is in his own hand writing.

H. R. TAYLOR.

From the Pittsburgh Gazette.

TRADE OF CLEVELAND.—We publish, to-day, a table, furnished by the Collector of this port, of its trade, during eight years, from 1825 to 1833. The enormous increase both of the exports and imports, must satisfy every person that the trade of the country, along the Ohio canal, is already an object worthy of the most strenuous exertions of this state. But the present amount of this business, great as it is, is but a trifle; an insignificant morsel, when compared to what it will be twenty, ten, or even five years from this time. The country along that canal is but lately and sparsely settled, and must, and will continue, for some years, to increase with great rapidity; and the supply of domestic productions, as well as the demand for foreign production, must continue to grow with the growth of the population.

Again—the country along the Ohio Canal, extensive as it undoubtedly is, is still but an inconsiderable portion, when compared with the immense region which is drained by the rivers which discharge themselves into Lake Erie. Look, in the first place, at the Sandusky and Mad River Rail Road, which, when completed, must direct to the Lake the products of the immense country through which it passes. Then behold the Maumee and Wabash Canal, which is already in the course of execution, which passes through a country equalling in extent, and surpassing in fertility, that along the Ohio Canal, and which will pour upon the bosom of Lake Erie the entire productions of that immense and fertile region. Look, finally, at the thriving and rapidly increasing territory of Michigan, whose only avenue to a market is through Lake Erie. Take all these into view, with their certain increase in a few years, and we may have some adequate conception of the immense trade which will decidedly prefer the route to a market through the cross cut and Pennsylvania Canal.

Statement of the number of Vessels entered and cleared at the Port of Cleveland with cargoes, with their aggregate Tonnage—the value of merchandise entered and cleared eastwise—the number of Vessels entered and cleared from Foreign Ports—the value of Foreign Imports and Exports—also, the number of Steam Boats entered and cleared, in the years from 1825 to 1833, inclusive.

Years noted.	No. of vessels arrived with cargoes.	No. of vessels cleared with cargoes.	Aggregate tonnage of vessels arrived with cargoes.	Aggregate tonnage of vessels cleared with cargoes.	Value of merchandise exported coastwise.	Value of merchandise imported coastwise.	No. of vessels arrived from foreign ports.	No. of vessels cleared for foreign ports.	Val. of foreign imports.	Val. of foreign exports.	Number of Steam Boats arrived.	Number of Steam Boats cleared.	Total No. of arrivals, including steamboats.	Total amt. of tonnage arrived, including steamboats.
1825	54	54	2,060	2,060	\$50,166	\$13,645	1	1	\$60		21	21	75	7,319
1826	63	63	2,835	2,835	70,375	181,440	4	4	373		42	42	105	13,135
1827	75	75	3,000	3,000	75,000	192,000	11	11	572		63	63	138	18,750
1828	92	92	4,140	4,140	108,500	204,000	4	4	345		70	70	162	21,640
1829	222	222	8,880	8,880	222,000	568,000	7	7	370	\$1,475	90	90	314	31,300
1830	327	327	15,489	15,489	377,197	997,343	2	2	69		448	448	775	17,480
1831	424	424	31,407	31,407	940,396	1,370,350	9	9	572	4,584	450	450	874	143,907
1832	600	600	45,082	45,082	1,300,000	2,000,000	34	34	1,313	6,400	470	470	1,070	163,582
1833	800	800	56,250	56,250	1,794,000	4,700,000	125	125	5,509	250,000	705	705	1,505	233,960

District of Cuyahoga, port of Cleveland, Ohio, Dec. 10, 1833.

I certify that the above statements are correct, according to the manifests, and the estimates thereof on file in this office.

(Signed) SAM'L STARKWEATHER,
Collector of Customs.

Memoranda.—In 1827, the canal was first navigated by boats.

1828—Canal in operation to Massillon.

1829—Canal opened this year to Dover, 96 miles from Cleveland

1830—Canal opened this year to Coshocton.

1831—Canal in operation to Chillicothe.

1832—Canal completed to the Ohio river this year.

LIGHTING THE CITY BY TOWERS.

The subscribers having been repeatedly solicited to publish in the papers, the estimated annual expense of lighting the city of Philadelphia and the adjoining districts, with tar and anthracite coal—respectfully submit to the public the following brief outline of their plan, and the estimated annual expense of lighting said city and incorporated districts.

The plan we propose is, to have a large light at the top of one or more tower or towers, to be erected for that purpose, at such place or places as will cause the light to shine over the district which it is intended to light. If only one tower is used, it should be at least 300 feet in height—and if two or more are used, to be of such height as will comport with the distance to which it is intended that the light shall extend—the light to be obtained by burning tar, pitch and rosin, over a hot fire of anthracite coal.

The fixtures for burning the tar and coal, should be of such dimensions as will be requisite to attain the desired light—and may be constructed in the following manner.

On the top of the tower, there should be an upright hollow cylinder, (constructed of fire-proof materials,) the largest at the upper end. On a large tower, this cylinder should be from three to five feet diameter at the bottom, or lower end—from six to twelve or fifteen feet at the upper end—and from ten to twenty feet in height. Around the lower end of said cylinder there should be a furnace for coal; and within the upper part thereof, a reservoir for tar, with small tubes or pipes leading in all directions from said reservoir to conduct the tar out through the sides of the cylinder to the outer surface thereof, where it will be ignited, and will burn as it runs down on the surface of said cylinder toward the burning coal in the furnace—the heat from the coal increasing the flame—assisting in the consumption of the smoke—and rendering the light more brilliant.

The light must be surrounded by, or enclosed in a lantern or glass case to defend it from the wind, and to increase and regulate the draught of air through the fire. And it must also be provided with suitable reflectors so arranged, as to throw the light which would otherwise ascend, in such direction as it may be required, and also to prevent too great light near the tower.

If the plan of burning tar and coal should not be approved of, we then propose the substitution of such fixtures as would be requisite—and the burning of oil, or spirits of turpentine; or oil and spirits of turpentine, or gas, in one large connected light, at the elevation before mentioned.

On either of the foregoing plans, we believe that a light nearly equal to that produced by a full moon, might be extended over the city and the adjoining districts, at an expense below that now incurred for lighting the same. And on the plan proposed with tar and coal, the annual expense of lighting would be but a mere trifle, when compared with the cost of the present plan.

We have estimated the cost for the city and the adjoining districts, as follows—

For erecting a good permanent tower 300 feet high, with the necessary fixtures for the light, \$22,000,—but that we may not underrate it, we will say \$30,000,—the interest of which at 5 per cent, would be \$1,500. We have allowed eight barrels of tar for each night, (probably three more than would be used,) which, at two dollars per barrel, would be \$16 per night. There are about 250 nights in each year in which a light is required—the tar would therefore cost \$4,000 per annum. Coal we estimate at from fifteen to twenty tons per annum, for which we will say \$100. The light will require the constant attention of one or two individuals, and in our calculation we say four men at a salary of \$300 each—making \$1200 per annum. The annual expense, agreeably to this estimate is—

Interest on the cost of the tower,	\$1,500
Cost of tar,	4,000
Coal,	100
Wages of four attendants,	1,200
To which we will add for repairs and incidental expenses,	200
Making the total annual cost	\$7,000

The present cost of lighting the city, embracing every item, as in the above estimate of expenses, is not less than \$40,000 per annum, and the adjoining districts cost as much as the city—making for the city and adjoining districts, the annual sum of, \$80,000
Which shows that there would be an annual saving, by adopting the proposed plan, of \$73,000

But this is not the only advantage of the proposed plan—for, as the light would be diffused generally throughout the atmosphere, the yards alleys and houses would also be lighted from the same source. It is believed that the light would shine into the houses to the distance of from half to three quarters of a mile from the tower—(that is, over an area of from one mile to a mile and an half in diameter,) sufficient for almost any purpose for which light is required; which would cause a saving to individuals in the item of oil and candles of at least \$100,000 per annum.

It would also be a very great convenience in case of fire, sickness, or other cause which might make it necessary for any person to leave his or her bed in the night, as the houses would be so lighted as to render lamps and candles useless—and the advantage of having yards and alleys lighted, would be a matter of no trifling importance. The streets would also not only be lighted to a much greater extent, but they would be much better lighted—for, on the present plan, a person walking in the evening, is alternately changing from a glare of light which is injurious to the eyes, to almost total darkness. Whereas, on the proposed plan, there would be an even, regular light throughout the city and districts. No dark places, in which a person walking would fall over curb stones, or into gutters—and there would be no dark corners, or hiding places, in which thieves or midnight robbers might secrete themselves, to evade the watchman.

A large light elevated as before mentioned, would also be of very great advantage to people coming into town in the night, either by land or by water—for, when moving toward the light, an object which might impede the progress would be seen at a very great distance.

But we will not go further into a detail of the supposed advantages—for, if the fact that it will save to the public and to individuals, \$173,000 per annum—and that it will produce a light which will extend throughout all the streets, courts, alleys and yards in the city and adjoining districts equal to that produced by a full moon, is not a sufficient inducement to call the attention of the public to it,—we know of nothing that we can offer which will have that effect. That the plan we propose would, (if properly carried into effect,) pro-

duce all the advantages we have particularized, we have not the least doubt. And when we say this, we do not express our own sentiments only—for, notwithstanding the estimates were made by us, they have been exhibited to individuals of good judgment, on whose opinions we can rely—who coincide with us throughout, in the estimate of expenses, and supposed advantages to be derived from the plan if adopted.

D. B. LEE,
W. BEACH.

December 30th, 1833.

On page 336, Vol. XI—we published a suggestion of the use of towers for the purpose of lighting, by Jacob Smith, in 1830.

REFORM CONVENTION.

The Convention assembled at the Court House in Harrisburg, January 8, 1834, at 11 A. M and adjourned to meet again on to-morrow at 3 o'clock, P. M.

Met according to adjournment, Jan. 9th, at 3 o'clock, P. M.

The following are the Officers and Delegates from the several Counties.

GEORGE KREMER, President.

MARLON ORTLIP, JACOB MECHLING, Vice Presidents.

Henry K. Strong, Asa Dimock, Secretaries.

Allegheny—Samuel A. Roberts.

Armstrong—James F. McCague, Geo. W. Smith.

Beaver—Abner Lacock, John Clarke.

Butler—Samuel Kerr, Evans R. Evans, Jacob Mechling, Samuel A. Purviance, Samuel A. Gilmore.

Dauphin—Henry K. Strong, Benjamin Evans, John Cameron, Jacob Hoffman.

Centre—Henry Petrikin, Henry Barnhart.

Clearfield—Alexander Irwin, James Allport.

Lancaster—James McHaffy, Jacob Grosh.

Luzerne—Luther Keldner, Albert G. Brodhead, Ziba Bennet, Ovid F. Johnson.

Mercer—Thomas S. Cunningham.

Union—George Kremer, William S. Rankin.

Wayne—Nathaniel Woodward.

Philadelphia County—Thomas Earl, Thomas G. Big-nell, Benjamin Housekeeper, Mahlon Ortlip, John Watkins, E. H. Bonsall.

Lycoming—Robert Fleming.

Susquehanna—Almon H. Reed, A. Dimock.

Tioga—William Willard, Jr.

Northumberland—Lewis Dewart.

Washington—C. A. Alexander.

Huntingdon—James Clarke, Thomas T. Cromwell.

Mr. Earle of Philadelphia county, offered the following resolutions:

1. Resolved, That a committee be appointed to draft a memorial in behalf of this Convention, praying the Legislature for the passage of a law providing for the election of delegates during the present year, to compose a Convention for the purpose of submitting an amended Constitution to the citizens of this Commonwealth for their adoption or rejection; and in case the Legislature shall think, a previous vote of the people necessary, then that a law be enacted providing for a special election to be held in the spring of the present year, for the purpose of taking a vote of the people on the question of *Convention or no Convention*.

2. Resolved, That a committee be appointed to report what amendments of the Constitution ought to be agreed on by this Convention, to be presented to the people, as the primary and essential features of the proposed reform.

3. Resolved, That a committee be appointed to report what measures will be proper to be taken by the friends of reform throughout the State, in case of failure to effect their objects during the present year, and whether it would be proper to connect the question with the general elections of this Commonwealth.

4. Resolved, That a committee be appointed to draft an address to the citizens of this Commonwealth, setting forth the views of this convention on the subject of the amendment of the constitution.

Mr. Evans of Butler, offered the following resolution as a substitute:

Resolved, That a committee be appointed to draft a memorial to the Legislature praying for the passage of a law directing an election to be held on the 2d Friday of May next, to take a vote of the citizens of the Commonwealth on the subject of a convention or no convention; and if the Legislature shall refuse to pass such a bill, then to draw up an address to the citizens of the State; urging on them the importance of electing members to the next Legislature who are in favour of reform, and who will pass a bill to enable us to ascertain the wishes of the State on this question.

After some discussion, in which Messrs. Lacock and Earle supported the resolution, and Mr. Evans opposed it and supported the substitute,

Mr. Read of Susquehanna, moved that the resolutions, together with the substitute, be referred to a special committee—which motion was agreed to—and Messrs. Earle, Read, Lacock, Evans of Butler, Kidder, Clarke of Huntingdon, and Roberts, were appointed.

Adjourned to 7 o'clock this evening.

7 o'clock, P. M.

Mr. Earle, from the committee to whom the subject was referred reported a number of resolutions, upon which the convention resolved itself into a committee of the whole, Mr. Petrikin in the chair, for the purpose of amendment.

Mr. Kremer of Union, offered the following amendment.

Resolved, That a committee be appointed to draft a memorial to the Legislature, praying for the passage of a law authorizing the election of delegates and the holding of a convention for the alteration of the constitution, to be submitted to the people for adoption or rejection.

Messrs. Kremer, Allport, and Kidder, supported the amendment, and Messrs. Evans of Butler, and Fleming, opposed it.

Mr. Gilmore, offered the following as a substitute, which was supported by Messrs. Gilmore, and Purviance, and opposed by Messrs. Earle, and Evans.

Resolved, That a committee be appointed to draft a memorial to the Legislature, praying them to pass a law to afford the people an opportunity of voting at the next general election for or against a convention to alter the constitution.

The substitute was negatived, and the amendment passed.

The committee then rose, and the chairman reported the resolutions as amended to the convention.

Mr. Petrikin, moved that the second resolution be amended by striking out the words "*Fourth of July*," and inserting "*Second Tuesday in October*," which was agreed to, and the resolutions were severally adopted.

The following are the resolutions as amended and adopted.

1. Resolved, That a committee be appointed to draft a memorial to the Legislature, praying for the passage of a law authorizing the election of delegates and holding of a convention for an alteration of the constitution, to be submitted to the people for adoption or rejection.

That a vote of the people be taken on the second Tuesday of October, and that voters be authorised to inscribe on their ballots whether the convention submit its proceedings to the people; and that an early day be fixed for the assembling of the delegates in case a majority of affirmative votes be given.

In pursuance of which Messrs. Earle, Lacock, Kidder, Watkins, and Allport were appointed said committee.

2. Resolved, That a committee be appointed to report what amendments of the Constitution ought to be agreed on by this convention, to be presented to the people, as the primary and essential features of the proposed reform.

In pursuance of which Messrs. Roberts, M'Cague, Woodward, Purviance and Housekeeper were appointed said committee.

3. Resolved, That a committee be appointed to report what measures will be proper to be taken by the friends of reform throughout the State, in case of failure to effect their object during the present year.

In pursuance of which Messrs. Willard, Kerr, Bignell, Fleming, and Clarke of Huntingdon, were appointed said committee.

4. Resolved, That a committee be appointed to draft an address to the citizens of this Commonwealth, setting forth the views of this convention on the subject of the amendment of the constitution.

In pursuance of which Messrs. Allport, Gilmore, Cameron, Woodward and Read were appointed said committee.

Mr. Allport submitted the following, which was considered and adopted.

Resolved, That the Senate and House of Representatives be respectfully requested by this convention to bring the subject of reform to an immediate decision, on the evidence of public sentiment now before those honorable bodies.

Adjourned to 3 o'clock, P. M. to-morrow.

3 o'clock, P. M. Jan. 10.

Met according to adjournment.

Mr. Earle, from the committee appointed for that purpose, reported a memorial to be presented to the legislature, on the subject of a reform of the constitution—which was laid on the table.

Mr. Purviance, from a majority of the committee for the purpose of suggesting amendments to the constitution, made a report, going into a detail of proposed alterations.

Mr. M'Cague, from a minority of the same committee, made a report, specifying only general principles, which he moved as a substitute for the report of the majority.

Before any question was taken on the above reports, the convention adjourned, to meet at 7 o'clock in the evening.

7 o'clock, P. M.

The convention met according to adjournment, and resumed the consideration of the report of the minority of the committee to suggest amendments to the constitution, which had been offered as a substitute to the report of the majority.

On motion of Mr. Earle, the substitute was amended by adding a clause reducing the time of the eligibility of the Governor.

On motion of Mr. Petrikin, the words "without a tax qualification," were stricken out, and the report having been amended as follows, was adopted:

Mr. M'Cague, from the committee appointed to report what amendments ought to be agreed upon by this convention to be presented to the people as the primary features of the proposed reform, would respectfully submit the following report:

The amendments to the constitution to provide for—

1st. The abolition of all offices for life.

2d. The meeting of the Legislature on the first Monday in January.

3d. Members of the Senate to be elected for two or three years only.

4th. The enjoyment and security of the right of universal suffrage.

- 5th. The Judges of the Supreme Court and Judges of the Court of Common Pleas, to be appointed by the Governor, and the appointment to be sanctioned by the Senate; or, to be elected by joint ballot of both houses—in either case for a term of five or seven years.
- 6th. Associate Judges, Justices of the Peace, Prothonotaries, Registers and Recorders, and County Treasurers, to be elected by the people for a term of years.
- 7th. All Executive and Judicial officers, which shall be appointed by the Governor, to have their appointments sanctioned by the Senate.
- 8th. The election of a Lieutenant Governor, to preside in the Senate, and to act as Chief Magistrate in case of the death, refusal to act, removal or impeachment of the Governor.
- 9th. The term of continued eligibility to the office of Governor, to be reduced or shortened.
- 10th. A provision for future amendments of the Constitution.
- 11th. A restriction of the exercise of the pardoning power of the Governor.

On motion of Mr. Earle, the convention proceeded to the consideration of the memorial to be presented to the Legislature.

Mr. Read moved to strike out the following clause, which was reported by the committee:

“We believe that sufficient evidence has been afforded fully to authorise the Legislature, as the representatives of the people, (conformably to the true intent of that clause of the constitution, which declares the right at all times to alter the form of government in such manner as they may think proper,) to enact a law providing for the speedy election of delegates to a convention for the purpose of submitting the constitution during the present year to a vote of the people. We therefore pray for the immediate passage of a law to that effect. But if your honorable bodies shall think a preliminary vote requisite, then we pray that a vote may be taken on the day of the next general election, or sooner if deemed expedient, on the question of the call of a convention.”

And insert the following:

—“to pass a law submitting the question of convention or no convention, to the people at the next general election.”

After considerable discussion, the ayes and noes were called on the amendment, which resulted as follows:

Ayes—Messrs. McCague, Clark of Beaver, Kerr, Evans of Butler, Strong, Hoffman, Petrikin, Barnhart, Broadhead, Bennet, Johnson, Cunningham, Rankin, Bonsall, Read, Dimock, Clarke of Huntingdon, Cromwell—18.

Noes—Messrs. Mechling, Purviance, Gilmore, Cameron, Irwin, Allport, Grosh, Kidder, Woodward, Earle, Bignell, Housekeeper, Orilip, Watkins, Williard, Alexander, Kremer—17.

So the amendment was adopted.

The memorial, which was amended to read as follows, was adopted.

To the Honorable the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met:

The memorial of the undersigned delegates from the several counties of the state of Pennsylvania, assembled in convention at Harrisburg, on the eighth day of January, A. D. 1834—respectfully represents:

That this convention believes that the people of this commonwealth are thoroughly impressed with the con-

viction that the existing constitution of this state is in many respects imperfect, dangerous to civil liberty, and inadequate to the ends of a republican government—that it vests power in the hands of the governor, at once exorbitant and dangerous, without either check or control, contrary to the usages of all other republics, ancient or modern, to the lamentable abridgment of the elective franchise—the palladium of a free people—in fine, that it virtually reverses the old republican maxim, that offices should be created for the benefit of the public, not for the private and perpetual advantage of the incumbent. Your memorialists further represent, that the people have long been anxious to remove these imperfections, by amending the constitution, in such manner, as will most effectually promote their interests, and render permanent the free institutions of this commonwealth; but owing to sundry causes, which it is now not necessary fully to specify, this desirable object has been from time to time frustrated, and the present system, with all its evils, continued. That the act of 1825 was radically defective, in not providing that the convention, if called, should submit its measures to the people for ratification; and owing to this circumstance, and to the short time afforded for information and reflection, the proposition, although it obtained majorities in *twenty-eight* counties, was defeated by the votes of citizens favorable to the amendment of the constitution, but dissatisfied with the provisions of the law presented to them; that if a reform of the constitution is to be effected, it is desirable on many accounts that it take place previously to the height of the excitement that may attend the next gubernatorial and presidential election: and that the present moment is peculiarly favourable to the holding of a convention.

We would therefore respectfully suggest to your honorable bodies the immediate passage of a law, providing that a vote of the citizens of this Commonwealth may be taken on the day of the next general election, on the question of holding a convention for the amendment of the constitution, with a special provision that the voters may, if they see fit, insert in their ballots a direction that the convention shall submit its proceedings to a vote of the people, and that the act also provide that in case of a majority of votes being given in favor of a convention, then, on a fixed day of the present year, delegates shall be elected by the citizens of the several counties, to meet on another day, to be fixed by the same act of assembly, for the purpose of submitting to the ratification of the people, such amendments of the constitution as shall utterly eradicate those evils under which we have too long suffered, and against which we have too long in vain complained.

Your memorialists would wish to be understood as being content to submit the decision of this question to your honorable bodies, upon the evidence now before them; and as being of opinion that any delay of action, not required by the indispensable engagements of the Legislature, would be detrimental to the best interests of the people of this State.

In conclusion your memorialists cannot doubt but the members of the present Legislature, coming as they do from every section of the State—intimately acquainted as they are, with the interests, wants and feelings of the people, and thoroughly convinced, as they must be, of the injurious, unequal and oppressive operation of the present system, will promptly respond to the earnest call of their fellow citizens, and enact such laws upon the subject as patriotism dictates, and the welfare of the people so imperiously demands. Your memorialists deem it almost unnecessary to state that the people expect thus much from the present Legislature, which was elected in some measure with direct reference to this object—they also expect it from the favorable disposition evinced since the commencement of the present session. We therefore, with the greater confidence, make an appeal to the assembled representatives of the people, cherishing the anxious and lively hope, that our

reasonable request will receive the high consideration it demands.

Signed in behalf of the Convention,

GEORGE KREMER, President.

MARLON ORTLIP, }
JACOB MECHLING, } Vice Presidents.

Henry K Strong, }
Asa Dimock, } Secretaries.

On motion of Mr. Earle, it was

Resolved, That the memorial to the Legislature be signed by the officers on behalf of this Convention.

On motion of Mr. Allport, it was

Resolved, That the memorial adopted by this Convention be presented to the House of Representatives by Mr. Kerr of Butler, and that he be respectfully requested to move that it be read in that honorable body, and referred to a select committee.

On motion of Mr. Kerr, it was

Resolved, That a copy of the same memorial be presented to the honorable Senate by Mr. Petrikin, and referred as aforesaid.

Mr. Kerr, from the committee to whom the subject was referred, made the following report, which was adopted:

The committee to whom was referred the enquiry what measures would be proper to be taken by the friends of reform in case of a failure to effect their object during the present year, respectfully report—

That owing to the variety of questions of public and private interests that engrosses the human mind and the art and misrepresentation of those whose interests are opposed to the public good, it sometimes happens that a long space of time is requisite to mature and carry into effect the most beneficial measures, and that on the first trial the people give a decision on which additional information and more mature reflection induces them afterwards to reverse.

It was several years after a few minds had determined on American Independence before the measure was adopted by the American people.

Mr. Jefferson failed of an election when first a candidate for the Presidency. Many instances in illustration of the same principle will doubtless occur to the minds of the convention.

Your committee are, therefore of opinion that a failure on the first trial, either before the Legislature or the people, ought by no means to check the action of the friends of reform, but to stimulate them to fresh and more vigorous exertions, presuming that a want of information, or an imperfect mode of action has been the cause of the first failure.

Your committee therefore propose the adoption of the following resolutions

1. Resolved, That in case of disappointment from any unforeseen cause, no law be passed on the subject during the present session of the Legislature, a committee of this body be requested to call this convention together in April or May next.

2. Resolved, That in case of a decision of the people against a convention owing to the imperfect mode in which the subject is presented for public consideration that the same committee convene this body in November or December next.

3. Resolved, That in case of such subsequent meeting, we recommend that the people confer upon their delegates full power to take all measures which appear necessary for the advancement of the cause.

4. Resolved, That the friends of reform will not be deterred by one or more decisions against them before the Legislature or elsewhere, (unless the principle is fairly understood) but will constantly renew the contest in the full conviction, that strong hands and stout hearts in the cause of truth, justice and liberty, must eventually triumph over misrepresentation, injustice and oppression.

On motion of Mr. Purviance, it was

Resolved, That a general State committee of five be appointed to this convention, and that they be authorized to appoint committees, composed of three persons, in each of the counties in this commonwealth, to draft an address to the people of their respective counties on the subject of reform, and in addition to act as a committee of vigilance in furthering the principles adopted by this convention.

Adjourned to 9 o'clock to-morrow morning.

Jan. 11, 9 o'clock, A. M.

Met according to adjournment.

The convention took up the resolution for the appointment of a State committee of correspondence, and for the purpose of appointing county committees.

On motion the resolution was amended by authorizing the state committee to draft an address to the citizens of the Commonwealth.

The following were appointed a state committee.

ABNER LACOCK, of Beaver.

ALMON H. READ, of Susquehanna.

SAMUEL KERR, of Butler.

HENRY K. STRONG, of Dauphin.

THOMAS EARLE, of Philadelphia.

On motion of Mr. Earle, it was

Resolved, That a committee be appointed to collect and publish information calculated to advance the objects of this Convention.

The following were appointed the committee.

Messrs.—Earle, Allport, Johnson, Kidder, Kremer, Watkins, Gilmore, Cameron, Stoever, Ortlip

Mr. Woodward, of Wayne offered the following as a protest to the report of the committee to suggest amendments to the constitution.

The undersigned from the committee appointed "to prepare alterations of the constitution to the Legislature," offers the following

PROTEST.

He considers any proposition from this convention as to the particulars in which the constitution shall be altered, altogether untimed. That he cannot conceive the least advantage resulting from the proposed alterations; if, the question of convention, or no convention, is first to be submitted to the public, and that he firmly believes any proposed measure in this case would defeat the object of the friends of reform.

The undersigned represents in the convention a county, whose citizens in his behalf are decidedly in favor of a proper reform of the constitution. He feels bound however to protest against any propositions that shall exceed the mere expression of the wishes of the citizens of his county. Nor can he perceive the least authority of this convention to pass any vote declaring what alterations shall, or shall not be made. He even doubts the authority of the Legislature of Pennsylvania to suggest any alteration whatever, if a vote is to be taken by the people. The undersigned believes that a convention of delegates duly elected by the people should meet untrammelled, and as the independent representatives of the sovereign authority of the land.

NATHANIEL A. WOODWARD.

On motion it was

Resolved, That the thanks of this convention be presented to the President, Vice Presidents and Secretaries of this convention, for the able, dignified and impartial manner with which they have presided over the deliberations of this convention.

Mr. Kremer returned thanks to the convention in a very appropriate address, for the compliment bestowed on him and the other officers.

On motion it was

Resolved, That the proceedings of this convention

be signed by the officers and published in all the papers, both English and German, in this Commonwealth.

Adjourned *sine die*.

GEORGE KREMER, President,
 MAHLON OUTLIP, } Vice Presidents,
 JACOB MECHLING, }
 Henry K. Strong, } Secretaries.
 Asa Dimock, }

HEAT OF THE ATMOSPHERE BY THERMOMETER IN PHILADELPHIA A. H.

1833.	Sun rise.	9 A. M.	Meridian or noon.	3 P. M.	Wind and Weather.
Nov. 1	31	36	42	44	NW and clear—first ice
2	38	46	56	63	SW and hazy
3	41	46½	49	51	NNW and clear
4	29	31	34½	39	NE to NW cloudy
5	26	30	36	39	NW and clear
6	30	36	43½	45½	West and cloudy light rain
7	40	45	52	56	West and hazy
8	46	50	54½	60	SW and hazy
9	56	62	66	68	SSE light rain
10	49	52	57	60½	WNW and clear
11	40	45½	54	55	West to South light rain
12	57	60	62	55	South to NW clear
13	38	42½	49	52	WNW & cl'r, sparks in mor'g
14	37	40	55	58	Southward and hazy
15	42	44½	47	47	WNW and clear
16	31	33	38	40	SW to NW and clear
17	30	33	38	40	NW and cloudy light snow
18	31½	36	41½	43	NW to SW passing clouds
19	29½	31	35	38	SW and clear
20	25	29	37	39	NW to NE and clear
21	29	33	43	47	NE to SE and clear
22	47	47	47½	48	South to NW some rain
23	33	38	47	47	SW to West Hazy
24	35	42	49	48	NW to NE clear
25	42	42	43	43	NE steady rain
26	37	37	38	38	NW and cloudy
27	29	31½	41	45	WSW and clear
28	35	38	42	44	NW to NE and clear
29	30	33	41	46	SSW and cloudy
30	44	46	46	47	NE with some light rain

* Between 4 and 5 A. M. the whole Southern Hemisphere seemed to be enveloped in a shower of fire from the quantity of meteors that kept incessantly falling. The writer of this note has followed the sea as a profession for more than 30 years, and can safely say, has been more than 4000 nights on a ship's deck in different parts of the Pacific and Atlantic oceans, but never saw any thing like it.

MEMORIAL OF THE PHILADELPHIA CHAMBER OF COMMERCE.

Memorial of the Philadelphia Chamber of Commerce, to the Congress of the United States.

To the Honourable the Senate and House of Representatives of the United States, in Congress assembled—

The Memorial of the Chamber of Commerce of the City of Philadelphia,

Respectfully Represents—

That, prompted by a strong sense of duty, and viewing with serious alarm the present crisis in the money concerns of the country, the undersigned confidently apply to Congress for relief; under whose guardianship and control the currency of the Nation has been specially placed by the letter as well as the spirit of the Constitution.

Among the indications of the wide-spread and rapidly increasing distress, the recent expression of public opinion, by the largest assemblage of people, without distinction of party, ever witnessed in this city, is not the least impressive; and the following facts, in addition, will satisfy your honourable bodies that there is neither exaggeration nor coloring in the assertion here made—that the prevailing panic and pressure for money, and the gloomy forebodings of the future, are without a precedent in the experience of this country. In proof of this allegation the Chamber of Commerce refer with pain—

To the decline in price of the public and incorporated Stocks generally, which varies from 10 to 30 per cent.—

To the depression of the Foreign and Domestic Exchanges, and the extreme difficulty of negotiating Bills—

To the fall in value of all the principal articles of domestic produce, whether for export or home consumption—

To the impracticability of borrowing, as heretofore, on mortgage, even at the highest legal rate of interest, and the ruinous discount now current on good mercantile paper, which varies from 12 to 18 per cent. per annum—

To the difficulty of obtaining cash advances on produce or merchandise from factors or commission merchants, who refuse to contract engagements with which they may not be able to comply—

To the inability of Contractors for State Loans, or the subscribers to corporate Stocks to pay up their instalments, and the great danger of a suspension of the public improvements, from the difficulty of borrowing, and the consequent disappointment and ruin of the Contractors for the public works—

To the discharge from employ of laborers and workmen, and the suspension of business in the various mechanical and manufacturing pursuits—

To the decline in value of Real Estate, both in town and country—

To the inability of some of the corporate companies to pay the interest due on their borrowed money, or of the State Banks to discount new paper, or do more than renew their previous loans; and, in fine, to the suspension of all commercial confidence—the complete stagnation of business in every department of industry—and the bankruptcies and embarrassment consequent on such a state of affairs—

To the necessity imposed on the Bank of the United States of contracting its accommodations, and of guarding against the attempts to cripple its resources and decry its credit, not only by a withdrawal of the public deposits, but by a combined and systematic proscription and perversion of all its operations, even when dictated by self preservation.

In regard to the cause of the frightful conjuncture here depicted, your memorialists feel it due to candour, to point unreservedly to the removal of the public funds as the immediate and only one to which the present pecuniary distress can be rationally attributed.

They are unable to conceive how, in good faith or sound policy, a National Bank, created among other objects, for the express purpose of restoring specie payments—of regulating and maintaining a pure and unvitiated currency—an institution at once the fiscal agent and co-partner of the Government, to the extent of one-fifth of its capital, can be crushed and destroyed, without burying beneath its ruins all the great interests of the country, with which its existence is indissolubly connected. Would the downfall of the Bank (it is respectfully asked) benefit the condition of the Government and people? Would not such an event, on the contrary, draw into its vortex all the State Banks, and lead infallibly to a suspension of specie payment?

Fear and distrust are gradually ripening (as your memorialists believe) into desperation and despair; and

must paralyze and derange the diversified concerns of the whole country—embracing, at this moment, not less than *one thousand millions of dollars* of property, which is in a constant state of motion and transit throughout the vast extent of this Union. Among the most alarming proofs of declining credit and reputation abroad, is the fact that considerable parcels of American Stocks have recently been returned from London as unsaleable; and it cannot be disguised that the high confidence of European capitalists, heretofore reposed in the security of our State Loans and Bank Stocks, has been so shaken by the attempts to discredit and destroy our own Government Bank, as to have produced the most disastrous re-action in the market here, followed by a reduction in value unprecedented both in the rates and rapidity of the decline.

Heretofore our merchants have been able to effect loans upon a deposit, or sale of American Stocks in London, as best suited their convenience, and the demand for our public improvements: but those facilities and resources are now cut off, by the withdrawal of that confidence upon which alone they rested, and that at a moment when our extensive operations, in canals and rail roads, have rendered the exigency peculiarly mischievous and embarrassing.

Although the undersigned abstain from the discussion of mere political questions, which Congress alone are competent to decide, yet in matters involving the rights and interests of the community, they look with confidence to the powers reposed by the Constitution in your honorable bodies as the true and legitimate source of relief.

In recurring to that instrument, they find that the exclusive authority to coin money and regulate the currency is reserved to the Federal Government, and that the States are specially prohibited from exercising that vital function of sovereignty—and can neither issue bills of credit, nor make any thing but gold and silver a legal tender in payment of debts.

It is, therefore, apparent that, in applying a remedy for the existing evils, Congress would be only exercising the same constitutional power under which it has twice created a National Bank, that has been in operation thirty-six years of the forty-four of our political existence. It was under that provision of the Constitution which authorizes Congress to coin money, and fix the value of the precious metals, (and by consequence the value of their paper representative) that the currency of the country has hitherto been regulated, and confidence and stability imparted to the pecuniary transactions and exchanges of the Union—excepting only that period from 1811 to 1816, between the expiration of the charter of the first Bank and the establishment of the present Bank of the United States, when specie payments were suspended by the *State Banks*. This circumstance conveys a salutary admonition in regard to the importance and necessity of a National Bank to check and restrain excessive issues of notes by the *State Institutions*, and shows their utter incompetence to furnish a safe and universal currency, inasmuch as it was through the instrumentality and agency of the present Bank of the United States *alone*, that specie payments were finally resumed, and the money concerns of the country restored to their former sound condition. There are some peculiarities in the currency of the United States, as contrasted with that of Great Britain and France, which deserve the most serious consideration of Congress, and which subject it to dangerous fluctuations, unknown in those countries with whom we are most intimately connected in trade and exchanges. These fluctuations particularly incident to a circulation extending over twenty-four States, and resting upon a very limited metallic basis, obviously requires the utmost vigilance of the National Legislature to preserve it from frequent convulsions, and the danger of a suspension of specie payments. The liability of such a catastrophe is just in proportion to the various laws,

provisions and regulations of the States in which these Banks are established, and to the amount of specie in their vaults, which in the Safety Fund Banks of New York, appear by late official returns to be only 5½ per cent. on their capitals. France incurs no risk from these causes—her currency is *all metallic*, except about one-tenth. That of Great Britain is *half* of gold and silver, and *half* of Bank notes, and her great National Bank has therefore little comparative difficulty in restraining the issues of the country banks, which are moreover, controlled by fourteen branches, which will probably be soon increased in number. The currency of the United States consists of the notes of four hundred banks, including that of our National Bank—the aggregate capitals of which are about two hundred millions of dollars—the notes in circulation are one hundred millions, and the deposits estimated at fifty millions of dollars, making altogether one hundred and fifty millions of dollars of currency in Bank notes and deposits, which are sustained by *only* twenty millions in *specie* in the vaults of *all the Banks*. Here then is an aggregate mass of three hundred and fifty millions of dollars (exclusive of negotiable mercantile notes to an immense amount,) all resting upon confidence, and only twenty millions of specie for its support. Now, as the Bank of the United States possesses one-half of the specie in the vaults of all the Banks, to wit, ten millions of dollars, and has, moreover, large balances due to it and the Branches by the State Banks, the inference is not less clear than satisfactory, that Congress holds, by means of the Bank of the United States, a salutary control over the issues of the State Banks, and is able to sustain and regulate their operations, so as to keep them within the limits necessary for their own safety, as well as that of the country.

This control will be seen and acknowledged by all acquainted with the principles of banking, to be essential to the security of a currency composed almost entirely of paper, and so very inferior in its metallic basis, to that of England and France. From these data, your memorialists respectfully submit, that a National Bank, whose notes circulate and command specie in every quarter of the Union, is the surest friend and support of the State Banks, and that its own safety is identified with, and absolutely requires that it should aid and protect all the sound State institutions. One of the greatest dangers the undersigned conceive, to which the currency and public and private credit are now exposed, is the loss of that confidence abroad which rendered our public Stocks and Loans a sure and safe remittance to England, and which, consequently, diminished the drain and export of specie, when the rate of Exchange was above the par standard—to the same extent in which our stocks can be sold and retained in Europe. It is, therefore, obvious, that unless confidence in our public securities can be restored by preserving the national faith, that the moment exchange rises beyond the real par value, the specie of the country will be drawn from the Banks as a remittance to Europe, and leave them with empty vaults to deplore, a second time, when too late to be corrected, the fatal policy of suspending specie payments. There is, indeed, too much reason to apprehend, that the injury and shock which American credit has sustained in Europe, by the late impeachment of our National Bank, will not easily be repaired and overcome—but if even that stain upon our reputation were washed away, it can only be done by preserving good faith with the stockholders of the Bank, (both foreign and domestic) and restoring the public deposits to its safe keeping, in conformity to the conditions of its charter: and they beg leave to add their solemn conviction, that the system of internal improvements, by roads and canals, now in progress in Pennsylvania, and throughout the United States, will, if aided and sustained by a sound currency, through the instrumentality of a National Bank, be the best guarantee for the perpetuity of the Union, and the

prosperity and happiness of the American people. They are, moreover, thoroughly satisfied, that the interest of the State Banks is not only compatible with the existence of a National Bank, but that each in its proper sphere is necessary and useful to the other.

In conclusion, your memorialists respectfully pray your honorable bodies to cause the public deposits to be restored to the Bank of the United States, as *due in good faith* to the stockholders in that Institution, and to the great interests of the nation.

Philadelphia, January 7, 1834.

ROBERT RALSTON,
President of the Chamber.

LOUIS CLAPIER,
Vice President.

THOMAS P. COPE,
Vice President.

Attest—JOHN VAUGHAN,
Secretary of the Chamber.

INDIGENT WIDOWS' AND SINGLE WOMEN'S SOCIETY.

The Seventeenth Annual Report of the Indigent Widows' and Single Women's Society.

In presenting the Seventeenth Annual Report of the Indigent Widows' and Single Women's Society to the Patrons of the Institution, it is believed that a plain statement of facts will be most acceptable.

The Managers, during the past year, have had mingled feelings of pleasure and of pain. Pleasure in the family committed to their care having enjoyed unusual health, and pain in having had great difficulty in meeting the expenses necessarily incurred in the maintenance of so large a family.

Fifty-two aged females have been in the Asylum the last year—four were admitted—four have died—forty-eight are still under our care, many of whom are now suffering from the pains and infirmities incident to advanced age. Five are entirely blind, and three are nearly so, but being accustomed to the house, are able to move from their chambers to the sitting room, without difficulty. Among the former number is the Widow of Peter Helm, who braved the pestilence of 1793, to attend the sick of Philadelphia.

Visit the Asylum, and you will there behold the sad reverse of fortune! Those who were in their youth in affluence and met in different scenes, were there!—and the niece of a man who was foremost in all acts of charity and mercy in his day and generation, has been an inmate for many years—and in one instance, an individual who, when her husband was living, was a subscriber to the institution, is *now* a beneficiary of your bounty. Their lives being regular and free from care, seems to give them renewed vigor, and those who, when admitted, appeared near the verge of the grave, have gained a longer lease of life. The lady mentioned in a former report, (*from the West Indies*,) who had lost sight and hearing, is still in the Asylum, in better health.

The Society was originated Jan. 9, 1817, and on the 18th of March, of the same year, the first individual was enrolled. Since that period one hundred and forty-eight have been received; of twenty of that number, some have been dismissed for disobedience to the rules, some returned to their friends, forty-eight still in a comfortable home, eighty have passed from this world to another, and in the enjoyment of religious privileges, many have found a peace which the world could neither give or take away, and died in the hope of a glorious immortality.

Twice we have been obliged to change our matron, but trust the one who now has the charge of the Institution, will long be able to retain it.

The expenses have been much greater than in form-

er years, in consequence of the alteration of the street in the front, and of some changes in the interior of the house, all of which have been unavoidable. A petition has been sent to Councils for aid, which has been unsuccessful, but another will be, in the hope that after a plain explanation of facts, we shall meet with better success. We are, however, obliged to appeal to a benevolent public, to whom we have never applied in vain, and our confidence is unshaken in Him who has said he will be a husband to the widow, and we humbly believe he will open the hearts of the charitable for their support.

By the Treasurer's Report it will be found how entirely inadequate, without subscriptions and donations, the funded property is, for the maintenance of the family. Let us remember, therefore, the words of Him who hath said, "the poor ye have with you always, and whosoever ye will, ye can do them good," and inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

Treasurer's Report for 1833.

Indigent Widows' and Single Women's Society, in account current with Rebecca Chester, Treasurer, 1833.

Feb. To cash paid Thomas Biddle & Co, for \$1,000 Schuylkill Navigation Loan,	\$1,070 00
To Purchasing Committee upon Warrant of the Board of Managers,	3,050 00
Jan. 1, 1834. To Balance in favour of the Society,	25 40
	<hr/> \$4,145 40

1833. CR.	
Jan. By Balance of former account,	\$ 42 51
By Cash Saving Fund Society, a return of deposits,	700 00
By admission of Pensioners into Asylum,	120 00
By board of persons in Asylum,	289 41
By Sundry Donations,	815 00
By Annual Subscriptions,	729 00
By life Subscriptions,	240 00
By Charity Box,	34 28
By Fines from Managers,	2 00
By one year's Ground Rent,	11 91
By Dividends on Stocks and Interest,	994 00
Dec. By Cash received, amount of collections taken up in the 1st Presbyterian Church,	144 79
By work done at the Asylum,	22 50
	<hr/> \$4,145 40

Balance (of account) in favour of the Society,

\$25 40

E. E. Philadelphia, January 1, 1834.

DECLARATION OF INDEPENDENCE.

The question as to the house in which the Declaration of Independence was written, has been lately agitated in the newspapers, and two localities pointed out—neither of which, it will appear by the annexed correspondence, truly designated the building in which that celebrated document originated. These letters were published as an appendix to the eulogium of N. Biddle, Esq. before the American Philosophical Society in 1827.

MONTICELLO, Sep. 16, 1825.

Dear Sir,

It is not for me to estimate the importance of the cir-

cumstances concerning which your letter of the 8th makes inquiry. They prove, even in their minuteness, the sacred attachments of our fellow citizens to the event of which the paper of July 4, 1776 was but the declaration, the genuine effusion of the soul of our country at that time. Small things may perhaps, like the relics of saints, help to nourish our devotion to this holy bond of our union, and keep it longer alive and warm in our affections. This effect may give importance to circumstances however small. At the time of writing that instrument I lodged in the house of a Mr. Graaf, a new brick house three stories high, of which I rented the second floor, consisting of a parlour and bed room ready furnished. In that parlour I wrote habitually, and in it wrote this paper particularly. So far I state from written proofs in my possession. The proprietor Graaf was a young man, son of a German, and then newly married. I think he was a bricklayer, and that his house was on the south side of Market street, probably between 7th and 8th streets, and if not the only house on that part of the street, I am sure there were few others near it. I have some idea that it was a corner house, but no other recollections throwing any light on the question or worth communication. I am ill, therefore only add assurance of my great respect and esteem.

TH. JEFFERSON.

*Dr. James Mease,
Philadelphia.*

MONTICELLO, Oct. 30, 1825.

Dear Sir,

Your letter of Sept. 8, inquiring after the house in which the Declaration of Independence was written, has excited my curiosity to know whether my recollections were such as to enable you to find out the house. A line on the subject would oblige,

Dear Sir, Yours,

TH. JEFFERSON.

Dr. Mease.

Mr. Jefferson was correct in his recollections, and the house is known to be that mentioned in the text.*

COMMISSIONERS' HALL, KENSINGTON DISTRICT.

The Board of Commissioners of this truly interesting and improving district, met on the 7th inst. for the first time in their new Hall, at the corner of Masters and Front streets. The hall is a neat and beautifully constructed building of brick, with a cupola intended to contain a bell and clock. It reflects much credit on the taste and enterprise of the District.

After the organization of the Board, Henry Remy, Jr. Esq. President, delivered the following appropriate address.

Gentlemen of the Board of Commissioners of the Kensington District of the Northern Liberties:

It is with no ordinary feelings of pleasure that I address you this day—I am aware that we have met to transact the ordinary business of our constituents—but the circumstances under which we assemble at this time seem to afford an opportunity, of which I avail myself, of offering a few brief remarks, in relation to the District we now represent.

But fourteen years since the Kensington District became incorporated, without scarcely a street regulated, except those which came into the plan of the act of the Legislature of 1795. Let us look back through this short space of time, and view the wonderful changes which have been effected by the enterprise of the inhabitants, aided by the exertions of their Commissioners from time to time. Then without a paved footway, much less paved streets—our district now exhibits a

regular and convenient town plot—numerous streets, lanes and alleys, affording every facility for improvements as well as convenience to the public, have been opened—besides which most of the principal streets through our district are already paved. Nor is this all, gentlemen, and it should be a source of gratification to us to reflect that the corporation or turnpike road companies which held a jurisdiction over the two principal avenues of our district, have, after a long and legal controversy, relinquished all right and claim to the two great and leading thoroughfares. In relation to one of them in particular, it may be said to have exhibited nothing but a pool of stagnant water, threatening pestilence to those who resided in its vicinity, and dangerous to those who happened to travel on it. In a few years what a wonderful change! instead of one being proclaimed as a public nuisance, it now exhibits, as does the other from the southern line of our district, to almost its northern extremity, a beautifully paved street.

You will allow me, gentlemen, to congratulate you on the accomplishment of another matter, which had engaged the attention and anxiety of the inhabitants of the district and their commissioners for some time back—I allude to the introduction of the Schuylkill or other wholesome water into our district, whether for the promotion of health or comfort of its inhabitants, or for the protection of its property. This you are aware has happily been effected, by contracts entered into between the city of Philadelphia, the District of the Northern Liberties and our own District: we may therefore within a short time expect to have in common with other Districts a participation in so desirable a convenience.

In conclusion, gentlemen, I will recur to the occasion which induces me to offer these remarks. We meet for the first time in this hall, erected by and for the convenience of the inhabitants of the District, and for the comfort of its officers. The erection of this building at a considerable expense must be regarded in no other light than a further evidence of the enterprise of the people of this rapidly increasing district. No district in the county of Philadelphia, affords more opportunities for improvement, none certainly has made more; with a large tract of country open to the enterprise of the capitalist, affording every facility to the mechanic or manufacturer, the entire limits of its territory bounded by the river Delaware on its east, and an already populous district to its south, a rich and fertile country to its north and west—may we not be allowed to hope that our district may continue to improve as it has done. In fine, gentlemen, at the public expense has this Hall been directed, for public convenience. To the public service let us now *dedicate* it, and whilst we who represent the interests of our district, shall endeavor faithfully to discharge the trust reposed in us—let us at the same time hope that those who may succeed us will be governed by the same object.

BOARD OF TRADE.

Report of the Directors of the Philadelphia Board of Trade, read at the stated meeting on the 4th inst.

Agreeably to the provisions of the fourth article of the Constitution, the Directors of the Philadelphia Board of Trade, respectfully lay before the Association a Report of their proceedings, since their organization.

The short period which has elapsed, has necessarily much limited their exertions and will be a sufficient reason for presenting a brief Report. Enough however has been done to give encouraging promise that the anticipated usefulness of the Association will be in a great degree realized. The first meeting was held on the 15th day of October last, when a Committee was appointed to draft a Constitution. At an adjourned meeting on the 22d of October, the present Constitution was adopted and the officers of the Association and the Directors were elected.

* The house now occupied by Mess. Gratz, S. W. corner of Market and 7th street.

At the first meeting of the Directors, a Committee was appointed to prepare a Code of By-Laws, and to report whether it be expedient to propose any alteration in the Constitution. That Committee having reported a draft of the Constitution embracing several amendments, the same was ordered to be presented for consideration to the Association, and was accordingly submitted to the special meeting held on the 16th December last. One of the earliest objects which claimed the attention of the Board of Trade was the forming of a junction, between the Pennsylvania and Ohio canals, and its great importance induced them to recommend it to the immediate and special attention of the Directors. Previous to the first meeting of the Directors it happily occurred, that the subject was deemed so important as to cause a Town Meeting of the citizens of the city and county, at which a Committee of seven persons was appointed to confer with the Board of Trade. This mark of confidence was hailed by the Directors as a favourable omen of success, and at their first meeting, they appointed a Committee of equal number to act in concert with the Committee of the Town Meeting, and appropriated a sum sufficient to defray the expenses of the Delegates to the Convention at Warren in Ohio. The joint Committee appointed seven well qualified Delegates to represent the city and county of Philadelphia in that Convention, and the Directors have great pleasure in bearing testimony to the able and satisfactory manner in which they have discharged the duties committed to them. The Report of these Delegates was deemed of sufficient interest to order a special meeting of the Association, and having been submitted need occupy no further space in this Report. It being a matter of great moment that sufficient means of transportation should be afforded on the completion of the Portage Rail Road, which is nearly finished, the attention of the Directors has been called to the subject, and they have placed it in charge of a committee who have not yet reported. To prevent misunderstanding in this and all similar subjects, the Directors think it advisable to say, that it is not the object nor within the powers of the Association to enter into contracts for the execution of this or like matters, nor do they at all intend to interfere with individual enterprise: their sole purpose is, to promote all objects which are deemed important to the trade and interest of the community by collecting and disseminating information, by drawing to them the attention of the public and of the constituted authorities, and by giving all their exertions and influence to their full attainment.

At the instance of a number of respectable Merchants, the Directors addressed a memorial to Congress, praying that the provisions of the 18th Section of the act of July 14th, 1832, for a return of duty on goods in original packages, remaining in custody of the Custom House, may be extended to the several periods of reduction, embraced by the act of March 1833.

The Law regulating Commission business, being thought defective in affording security for advances made on goods consigned, and differing much in this respect from the Laws of the other States, a committee was appointed to investigate the subject, who have prepared a Memorial to the Legislature. A Committee has also been appointed to examine the Inspection Laws of the State, with a view to memorialize the Legislature, should any Legislative action be found necessary; this Committee has not yet reported.

The Directors by thus indiscriminately lending their influence to every branch of business or trade, with a view of promoting whatever may be deemed important, and of general utility, and by avoiding all interference in matters of a more private character, not falling within the objects of the Association, trust that they may be instrumental in promoting the welfare of a community in which all have so clear an interest. Believing that the objects of the Association and business of the Directors required a room for their exclusive use, in which their papers might be deposited and their meetings held,

and which might also be a pleasant and useful resort for the members of the Association, the Directors have rented a room in the Exchange at 250 dollars per annum.

The Directors cannot conclude this report without an expression of their obligation to the editors of the city, for the courteous manner in which they have published the reports and other papers of the Directors and the Association.

Thus far we may congratulate the Association on the effort which has been made to unite the mercantile energies of our city by organizing a society, whose benefits we trust will be felt throughout the commonwealth. The Board of Trade was not constituted to promote mere sectional purposes, but to call into active operation, for the benefit of the whole, all the resources of the great state of which we are proud to form a part, and which being poured into this great seaport of Pennsylvania, will make rich returns to our fellow citizens of the interior, and to the coffers of the commonwealth.

PANTHERS.

LEHIGH GAP, Dec. 24, 1833.

Mr. Chapman:

On the 22d inst. we received the news of a large Panther being on the mountain. He had been pursued by two persons from the Little Gap to this place where they lost him. A number of us met and concluded he should not remain here peaceably. We went in pursuit of him and found him among the rocks: the dogs routed him and brought him within 600 yards of Mr. ———'s house, where they treed him and he was shot. He measured seven feet one inch in length, and weighed 135 pounds.

We have the skin stuffed for the gratification of the public.

Yours, &c.

JOHN PRYOR, Jr.

EASTON, Dec. 20, 1833.

A friend of ours, from Tobyhauna, last week, brought to Easton a Panther's head, the premium for which is \$12. He was out in the woods attending to his bear traps, when he came across this lord of the forest. The shot was most excellent, taking effect directly above the left eye, and at the distance of forty yards. From the tip of the nose to the end of his tail he measured upwards of eight feet.—*Argus*.

INSPECTION OF SALTED PROVISIONS.

To the Editors of the Commercial Herald, Gentlemen:

The following is a statement of the number of barrels and half-barrels, of Beef, Pork, and Herring, inspected by the inspector of salted provisions for the city and county, and port of Philadelphia, for the year 1833.

3,123 bbls. of Beef.
508 half bbls. do.
6,765 bbls. of Pork.
69 half bbls. do.
53 bbls. of Herring.

10,618

THOMAS C. JONES,
Deputy Inspector,

Philadelphia, January 2d, 1834.

THE REGISTER.

PHILADELPHIA, JAN. 25, 1834.

We had another snow storm on the 20th inst. sufficient to cover the ground about two inches in depth. Vessels have passed up and down this week—but there is now some ice in the Delaware—Schuylkill is frozen across, and there is fine skating above the dam.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 5. PHILADELPHIA. FEBRUARY 1, 1834. NO. 317

REPORT OF THE BOARD OF PROPERTY.

Report of the Board of Property, upon Unpatented Lands.—Read in the House of Representatives, Dec. 12, 1833.

BOARD OF PROPERTY ROOM, }
Harrisburg, Dec. 7, 1833. }

Sir—We have the honour to enclose a report, made in conformity with a resolution of the House of Representatives of the sixth day of April last, and are

Very respectfully,

Your obedient servants,

SAML. M'KEAN,
JACOB SPANGLER,
S. WORKMAN.

HON. JAMES FINDLAY, Esq.

Speaker of the House of Representatives.

BOARD OF PROPERTY ROOM, }
December 7th, 1833. }

To the Honourable the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen—In obedience to a resolution passed by the House of Representatives on the sixth of April last, as follows, viz. “Resolved that the Board of Property be and they are hereby directed to prepare and report to this House on or before the fifteenth day of December next, what has been done, or what steps taken to comply with the requisitions of an act passed the twenty-second of March, 1820, entitled “An act directing the recovery of the principal and interest due to the Commonwealth from persons holding lands by virtue of locations or other office titles issued from and under the Proprietary Government and for other purposes; and an act passed the eleventh of April, 1825, explanatory and supplementary to said act; and also an act passed eighth April, 1826, on that subject: That said report exhibit a statement shewing as far as it can be ascertained the number of tracts and the aggregate number of acres in each county, the owners or occupiers of which have been ascertained, and which shall at the time of making the report still remain unpatented, showing also the number of tracts and aggregate number of acres in each county, which shall not have been ascertained and the reasons thereof, showing further the number of tracts and aggregate number of acres in each county, which in the progress of the enquiry may have been found to be held by prior grants and therefore lost to the grantees, together with any other information the Board may think necessary for the information of the Legislature in relation to the subject, and whether any further legal provisions are necessary to enable the Board of Property to carry more fully into effect the laws above recited.”

We have the honour to report, that agreeably to the provisions of the act of the 22d March, 1820, entitled “An act directing the recovery of the principal and interest due the Commonwealth from persons holding lands by virtue of locations and other office titles, issued from and under the Proprietary Government, and for other purposes,” the Surveyor General had lists made out, of all the surveys on file in this office on those rights, for which no patents had issued, for all the counties within

the Old purchase, in which they are situated. Copies of the said lists were transmitted to the Deputy Surveyors of their respective counties as directed by the first section of said act.

After these lists were again returned by the said Deputy Surveyors, with their reports thereon as far as ascertained, the Surveyor General caused Tickets to be made out for calculation of the amount due on the following number of surveys, of which the owners and occupiers had been reported, directed to the Secretary of the Land Office, preparatory to bringing suits, as directed by the third section of said act, viz.

In the years 1822-23 there were 1312 tickets issued.	
1823-24	981
1824-25	999

Total, 3292

on which calculations were accordingly made in that office.

When these calculations were completed, the Secretary of the Land Office was about to order suits to be instituted generally, but it was ascertained that in several of the counties there were arrangements made for resisting payment, on the ground that the additional charge of interest under the act of 23th January, 1816, commonly considered compound interest, was an “illegal claim” on the part of the State. In order to have the matter brought to a trial without expense to the Commonwealth, or oppressive costs to the debtors, the Secretary of the Land Office, in the month of October, 1828, forwarded official certificates of the amounts due on six tracts respectively, within three of the counties where opposition to payment was most manifest, to the deputies of the Attorney General, with instructions to institute suits against the reported owners of the land. Suits were brought accordingly, but in consequence of the act of the 8th April, 1829, and the supplements thereto, prolonging the time allowed for making payments, no more suits could be instituted; and it has been considered that it would not be equitable to press those already commenced.

After the acts of the 11th April, 1825, explanatory and supplementary to the act of the twenty-second March, 1820, and the act of 8th April, 1826, on that subject, were passed, and the time for bringing suits extended, the Surveyor General caused lists to be made out, of all the warrants and locations in his office under the Proprietary Government, “on which no surveys had heretofore been returned.” The Board of Property, after having given public notice to receive proposals for contracts, in 1827 and 1828, made written contracts with “suitable persons,” in all the counties within the old purchase, for which those lists were made out, to perform the duties required by the first and second sections of the act of the 11th April, 1825, within the time specified in their contracts. The Surveyor General had copies of lists No. 1 and 2, transmitted to the contractors, agreeably to the provisions of the aforesaid acts.

The board regret that they are not in possession of the materials, to enable them to furnish a complete statement of all the information required by the aforesaid resolution; as the returns have not yet been completed or received from all the contractors, notwithstanding

ing the Surveyor General, during the last summer, addressed circulars to delinquent contractors, requiring them to complete their contracts and make settlement with the board of property without delay.

Although a considerable time has elapsed since the expiration of the time when their contracts were to have been completed, yet final returns have only been received from some, and settlement made in part by other contractors, as stated in the following table, which will exhibit the information required, so far as it could be made out from their reports and returns.

COUNTIES.	A			B.			REMARKS.
	No. of Tracts.	No. of owners and occupiers have been ascertained.	No. of Tracts	No. of Acres of which the owners and occupiers have not been ascertained.	No. of Tracts.	No. of Acres found to be held by prior rights.	
Armstrong,	19	5123.26	00	00	00	00	Final return and settlement.
Adams,*	00	00	00	00	00	00	Cont'or dec'd, no new C. made
Allegheny,	173	44638.42	2	500.00	50	1426.58	Final return and settlement.
Berks,	944	80667.62	577	60381.150	122	6873.42	Final return and settlement.
Bucks,	116	7656.24	163	16463.145	17	2695.122	Final return and settlement.
Bedford,	376	99203.119	429	101139.94	20	4480.110	Final return and sett. [cont'r.
Bradford,	00	00	00	00	00	00	No ret'n of survey rec'd from
Beaver,	6	1571.30	00	00	00	00	Final return and settlement.
Cumberland,*	0	00	00	00	00	00	No return rec'd from cont'r.
Cambria,	54	16597.93	25	6463.126	00	00	Final return and settlement.
Centre,*	00	00	00	00	00	00	No return from contractor.
Chester,	78	9021.134	595	67230.10	5	519.68	Final return and settlement.
Clearfield,	39	1036.39	1	300.00	2	586.79	Final return and settlement.
Columbia,*	00	00	00	00	0	00	No return from contractor.
Delphin,	129	20039.7	477	67755.91	23	3213.141	Final return and settlement.
Dauphin,*	00	00	00	00	00	00	No return from contractor.
Franklin,	566	73492.111	294	48055.89	131	20272.51	Final return and settlement.
Fayette,	77	19476.72	20	5689.58	8	2299.12	Final return and settlement.
Greene,	10	2816.43	13	3249.00	2	600.00	Final return and settlement.
Huntingdon,	313	73925.111	318	105456.85	167	17491.121	Final return and settlement.
Indiana,	86	21623.149	6	1607.80	9	2254.120	Final return and settlement.
Lancaster,	170	18496.11	281	31687.8	2	192.00	In part—seen this report.
Lehigh,	521	35230.115	421	29465.114	3	313.147	Final return and settlement.
Luzerne,	31	8159.75	187	54649.83	98	20445.51	Final return and settlement.
Lycoming,	46	10606.126	165	48319.80	222	64423.53	Final return and settlement.
Lebanon,*	00	00	00	00	00	000	No report from contractor.
Montgomery,	00	00	00	00	00	000	Return made by cont'or, but ? again with'd'n as incorrect. }
Mifflin & Juniata,	349	58665.139	198	43339.40	95	14169.104	Final return and settlement.
Northumberland,*	00	00	00	00	00	000	No report from contractor.
Northampton,*	00	00	00	00	00	000	No report from contractor.
Pike,	103	15335.38	34	5491.30	00	000	Return in part.
Perry,	269	38513.65	202	36618.141	00	000	Final report and settlement.
Schuylkill,*	00	00	00	00	00	000	No report from contractor.
Susquehanna,	14	7299.80	7	2100.00	00	000	Final report and settlement.
Somerset,*	00	00	00	00	00	000	No report from contractor.
Union,	67	8945.115	14	2031.1	5	733.38	Settlement in part.
Wayne,*	00	00	00	00	00	000	No report from contractor.
Westmoreland,	281	75441.49	25	7026.61	95	27823.26	Final report and settlment.
Washington,	00	00	00	00	00	00	Sett. in part—see this report.
York,	1020	110943.142	249	30713.3	171	18683.139	Final return and settlement.
Total,	5872	873,855.91	4695	775,754.19	1240	251,340.36	

It will be observed that the columns marked A and B, contain the aggregate or whole number of tracts and acres in each county, of which the owners and occupiers have been ascertained. Those in the columns marked B, interfere with, or are covered by prior rights. In the counties marked thus*, partial reports were made by the Deputy Surveyors, on list No. 1, in pursuance of the act of the 22d March, 1820; but as no reports have yet been received from the contractors for said counties on lists No. 2, it was deemed unnecessary to insert them.

Various reasons are assigned by the contractors, "why the owners and occupiers have not been ascertained," of the tracts inserted under that head in the preceding table; but in all cases where final returns have been made, they reported those which were furnished to be all they could find. In most cases, the reason was imputed to the very vague description of

many of the old warrants and applications; especially those entered in list No. 2, from which alone it was impracticable to ascertain where to apply them, to make surveys and returns upon them, with the names of their owners and occupiers, agreeably to their contracts, without other information which they could not obtain. Many of these old rights have probably been abandoned, and since covered by other rights.

In other cases, particularly in Lancaster county, where there still appears to be a large proportion of the land held under old office rights, remaining unreturned and unpatented, the contractors have recently brought in their lists, with which but little comparatively has been done, especially list No. 2, in consequence as they stated, which is corroborated by other respectable persons, that the excitement in that county was so great, that not only every information was withheld from the contractors in relation to their lands, but personal vio-

lence threatened, if they attempted to make surveys. After a great loss of time and pecuniary sacrifice, the contractors deemed it necessary for their personal safety to desist, and report accordingly.

In a communication to the board it is stated, that the unpatented lands in that part of the county where the excitement prevails, is of an inferior quality, and was settled at so early a period, at a very high rate, that the claim of the Commonwealth would probably exceed its present value. The owners would be satisfied to pay what might be considered an equitable price, but if the claims of the State were enforced, many who are not able to meet it would be compelled to abandon their lands, with their improvements. Whether any Legislative provisions should be made to encourage the patenting, by rendering the price more equitable, of that class of land, will be for the Legislature to determine.

The contractor for Washington county reports, that with the exception of the few tracts returned, he has been unable to discover any others held under proprietary rights. In that county they are generally held by Virginia certificates, and other rights, as will appear from the following extract from his report:

"That I have used all due diligence to perform the duties of my contract, but have not been able to find the land mentioned in said lists, so as to identify the same, except in a few cases, which are marked on the lists which I returned to the Surveyor General's Office. And from all the information I can obtain, after three years' diligent inquiry, and often going out of my way several miles to obtain information, I find that there is little if any unpatented land in this county held under any of the titles in the aforesaid lists; most of the unpatented land in this county is held by settlement right, without any office title, or by Pennsylvania warrants and by Virginia certificates."

Some of the contractors, from whom no returns have been received, it is understood are deceased; others have applied to be indulged with further time, in consequence of the number of old office rights within their districts, which, from their vague descriptions and other difficulties, could not be completed in the time required.

The Board deem it proper to state, that from the partial returns made by contractors, it is impossible for them to say what number of tracts, or how many millions of acres remain unpatented; but are satisfied that the amount due the Commonwealth from that source must be very considerable.

All which is respectfully submitted.

SAM'L M'KEAN,
JACOB SPANGLER.
J. WORKMAN.

To the Hon. JAMES FINDLAY,

Speaker of the House of Representatives.

From the Harrisburg Reporter.

EXHIBITION OF THE BLIND.

Agreeably to previous arrangements, the pupils from the Pennsylvania Institute for instruction of the blind, were introduced into the chamber of the House of Representatives, yesterday, afternoon, and examined in the various branches of education to which their attention has been directed. They were accompanied from Philadelphia by their teacher Mr. Julius R. Friedlander, and a committee consisting of B. W. Richards, Edward Coleman and John U. Frailey, Esqrs. who were present at the examination, which was conducted by Mr. Friedlander. It will be recollected by our readers, that this institution is of recent origin, and that instructions were commenced there only about nine months ago. Much could not, therefore, in reason be expected; still we believe that the proficiency exhibited by the pupils in spelling, reading, writing, geography, music, &c. far exceeded public expectation. For

ourselves, we confess, that we had not before conceived it possible for those unfortunate beings, deprived of the most useful avenue to the acquirements of knowledge, even to make that progress in the rudiments of education, as these in question have already attained. A method seems to have been discovered, by which the rays of knowledge may be admitted into the minds of the blind, affording them a mental light to mitigate the enduring darkness—the privation of a sense through which we derive the greatest share of our pleasures and enjoyments. Humanity rejoices in the discovery.

The examination was attended by the Governor, Heads of Department, Members of both branches of the Legislature, and as many citizens as the Hall would contain, numbering, at least one thousand. A deep interest was manifested by all, in the various performances of the pupils. The recitations, singing, music upon instruments, on which all played in concert, elicited repeated bursts of applause. Indeed, a more interesting exhibition is seldom witnessed. The unfortunates were of themselves objects of the kindest compassion—appealing directly to the most active sympathies of humanity—add to this the surprising evidences which they exhibited, to prove that the blind are not shut out from the advantages of mental cultivation; that we still have it in our power to soften the condition of this ill-fated portion of our race, and we think all will concede the great interest of the scene.

We understand, that this institution is asking an endowment from the State. A competent appropriation for this object, would, we are fully persuaded, meet the cordial approbation of the people. We cannot conceive where the public munificence could be exercised on a more praiseworthy and humane institution.

B. W. Richards, Esq. delivered the following appropriate address at the commencement of the exercises:—

I am requested by my colleagues to present a few remarks preliminary to the exhibition. I cannot hope to offer any thing worthy the attention of this intelligent and distinguished audience. It is proper however, briefly to notice the origin and progress of this infant institution. Sometime in November, 1832, Mr. Friedlander, the respectable principal of this school, came to our city.

He had been instructed in the schools of Germany, Prussia and Paris, and came with the express design of founding an institution for the blind in our country. He soon attracted the attention of several of our benevolent citizens, and through the intervention of Mr. Vaughan, obtained a single pupil whom he carefully instructed at his own lodgings. His rapid success with this pupil commanded confidence in his skill and fidelity, and in Jan. 1833, a society was formed, contributions were made, a board of managers appointed, and subsequently in March, the school was opened. Under great disadvantages, a very high degree of success has attended the institution. The pupils before you can read, write, and have a knowledge of arithmetic, geography, music and of several handicraft arts. The capacity of the blind to receive and impart instruction, so satisfactorily developed in this institution, has been known from the earliest period. The transcendent powers of Homer and Milton, and the extraordinary attainments of Saunderson, Schoonberger and others, are familiar to this audience. The ability of the blind to attain eminent success in any branch of science or knowledge to which their minds may be directed, has its reason in a correct analysis of the faculties of the human mind. That power of vision which is the source to us of most of our ideas, is at the same time the avenue to those distracting thoughts and those fleeting and fitting images which cross our minds, and prevent the concentration of our powers upon the object of mental pursuit. The blind are undisturbed by these confused and transient images, and can direct their energies with a precision and singleness of purpose to the object they

seek to attain. It was the Abbe Haüy who established the first school for the instruction of the blind at Paris. He was attracted to this effort by the extraordinary attainments of a blind lady at that time in Paris. It is worthy of particular notice, that the first pupils of Haüy were taken from the streets of Paris, where they were carried about by mountebanks and showmen to minister to the pleasures of an idle populace. Such has frequently been the degradation of the blind. Schools for the blind were subsequently established in Russia, Germany, Prussia, Switzerland, England, and recently in our own country. The most of these schools have been aided by their respective governments. But I forbear to detain you longer. Gentlemen of the legislature, is not this object worthy your patronage? It is not only to benefit these unfortunate, but to render them competent to benefit others, that we invoke your aid.

The blind, the uneducated, uneducated blind, are the most helpless and dependent of all the unfortunate. The deaf and dumb can call around him and can feast his eyes upon a thousand images of pleasure. Not so the blind. To him all is darkness perpetual and unmitigated. To him nothing ever shines. He sympathises not with the crowd around him, and for the most part is a stranger to our joys. He shrinks into the dark recesses of his own mind, and dreams in moody silence of the fancied pleasures given so liberally to others; to him denied. Despondency, suspicion, envy, moroseness are the characteristics of some, while others as if in mad defiance, plunge recklessly into vice and crime to the deep distress of their friends, and to their own destruction.

Who has not sympathised with the dark and moody solitude of the blind? that deep and pensive melancholy which sometimes overwhelms them, or who may not have shuddered at that almost impious recklessness with which they sometimes rush into gross and brutal sensuality.

It is to rescue these unfortunates from such a fate, it is that you may impart to them a ray of that light which is from Heaven, it is that you may remove the veil that separates them from the beautiful and glorious objects of creation, that we invoke your aid. You may not indeed restore their sight, but by means of instruction, you can open to them a new world, impart to them new life, and shed upon their intellectual orbs a beam, a flood of light, which shall shine forever. This is not fancy. The instructed blind do indeed enter a new world.

I cannot better illustrate this than by relating an anecdote of one of these pupils. He is the child of poor parents, and was known in his own family by one of our estimable physicians, as a dull and melancholy boy. He was taken by Mr. Friedlander without the knowledge of the physician, and after he had received instruction, and had by rapid improvement developed an active and intelligent mind, he became unwell, and was returned to his family to receive medical attendance. His physician was sent for, and the boy received him with an animated and happy face. Care and anxiety had vanished. Doctor, said he with great joy, I can read, I can write, I am learning arithmetic and music. The Doctor saw with astonishment and delight, this new creation. Gentlemen of the legislature, you have long received the silent though expressive, praise and gratitude of the deaf and dumb—may I not say they have spoken your praise to an admiring country.

Give to these unfortunates the light they implore at your hand, and they too will sing your praise in grateful notes not less expressive or less sincere.

DEBTS AND TAXES OF THE COUNTY OF PHILADELPHIA.

We copy the following from the daily papers; we do not know in which of them it first appeared.

Statement of the debts and taxes of the county of Philadelphia, and the incorporated districts thereof; and

also of the city of Philadelphia. The taxes are for 1833, and the debts as they stood on the 1st of January, 1834.

Debts of the county of Philadelphia.

1. Loans	\$251,825 00
2. Road damages	25,700 00
3. For the use of the Board of Health	16,128 81
Total,	\$293,653 81

Taxes of the county of Philadelphia, including state tax, 60-100 in the \$100 on real estate.

District of Spring Garden.

Loans, permanent	140,000 00
Temporary	32,553 99
Total	\$172,553 99

Taxes—Corporation, 80-100—Lamp and watch, 20-100—County and state, 60-100—Poor, 34-100. Total, \$1 94-100 in the \$100.

District of the Northern Liberties.

Loans	\$137,000
Taxes—Corporation, 60-100—County and state, 60-100—Poor, 34-100. Total, \$1 54-100 in the \$100.	

District of Kensington.

Debts about	\$70,000
Taxes—Corporation, 75 100—County and state, 60-100—Poor, 34-100. Total, \$1 69-100 in the \$100.	

Incorporated Township of Moyamensing.

Loans, temporary and permanent	\$48,000
Taxes—Poor, 40-100—Road, 40-100—Lamp and watch, 40 100—Pump, 25-100—Schuylkillwater, 20-100—County and state, 60-100. Total \$2 25-100 in the \$100.	

District of Southwark.

Loans	\$130,000
Taxes—Corporation, 70-100—County and state, 60-100—Poor, 34-100. Total, \$1 64-100 in the \$100.	

The debt of the City of Philadelphia is

\$2,110,600 00	
The annual interest of which is	110,231 00
The taxes are, City, 75-100—County and state, 60-100—Poor, 34-100. Total, \$1 69-100 in the \$100.	

MINT OF THE UNITED STATES.

MINT OF THE UNITED STATES. }
Philadelphia, 1st January, 1834. }

Sir—

I have the honor to submit a report on the general transactions of the Mint during the last year.

The Coinage effected within that period amounts to \$3,765,710, comprising \$978,550 in gold coins, \$2,739,000 in silver, \$28,160 in copper, and consisting of 10,307,790 pieces of coin, viz:

Half Eagles,	193,630 pieces, making	\$968,150
Quarter Eagles	4,160 " "	10,400
Half Dollars	5,206,000 " "	2,603,000
Quarter Dollars	156,000 " "	39,000
Dimes	485,000 " "	48,500
Half Dimes	1,570,000 " "	68,500
Cents	2,739,000 " "	27,390
Half Cents	154,000 " "	770
	10,307,790	\$3,765,710

Of the amount of gold coined within the past year, about \$85,000 were derived from Mexico, South America and the West Indies; \$12,000 from Africa; \$868,000 from the gold region of the United States, and about \$13,000 from sources not ascertained.

Of the amount of gold of the United States above

mentioned, about \$104,000 may be stated to have been received from Virginia, \$475,000 from North Carolina, \$66,000 from South Carolina, \$216,000 from Georgia, and about \$7,000 from Tennessee.

The annexed statement exhibits the quantity of gold received from the several districts of the United States, which have thus far produced it in quantities sufficient to be an object of regard, commencing with the year 1824. Previously to that period, gold had been received at the mint only from North Carolina, from which quarter it was first transmitted for coinage in 1804. During the interval, however, from that date to 1823 inclusive, the average annual amount had not exceeded \$2,500.

In the report of 1st January 1833, it was remarked that the quantity of gold of the United States brought to the mint within the year 1832, was regarded, according to estimates entitled to great respect, as not much exceeding one-half of the quantity produced from the mines within the year; nearly an equal amount being supposed to have been exported uncoined, or consumed in the Arts. Nothing has since occurred to create a doubt of the correctness of that conjecture. It is altogether probable, that the remark is equally true in regard to the last year, and that the amount of gold derived from the United States within that period, has exceeded one million and a half of dollars. This sum it is believed, is not less than about one-fifth of the amount of gold produced, within the same period, from all other sources in Europe and America, estimated according to the best authorities.

I have the honor to be, with great respect
Your obedient serv^t

SAM'L MOORE.

THE PRESIDENT OF THE UNITED STATES.

Statement of the amount of gold produced annually from the gold region of the United States, from the year 1824 to 1833 inclusive.

Years.	Virginia.	N. Carolina.	S. Carolina.	Georgia.	Tennessee.	Alabama.	Total.
1824	00	5,000	00	00	00	00	5,000
1825	00	17,000	00	00	00	00	17,000
1826	00	20,000	00	00	00	00	20,000
1827	00	21,000	00	00	00	00	21,000
1828	00	46,000	00	00	00	00	46,000
1829	9,500	134,000	3,500	00	00	00	140,000
1830	24,000	204,500	26,000	212,000	00	00	466,500
1831	26,000	294,000	22,000	176,000	1,000	00	529,000
1832	34,000	458,000	45,000	140,000	1,000	1,000	678,000
1833	104,000	475,000	66,000	216,000	7,000	00	868,000
	\$190,500	\$1,674,000	\$162,500	\$744,000	\$9,000	\$1,000	\$2,781,000

DOCUMENTS RELATING TO THE REMOVAL OF THE DEPOSITS.

(Continued from vol. xii. page 416.)

Letter from the Secretary of the Treasury, transmitting a Report upon the subject of the Removal of the Public Deposits from the Bank of the United States.—December 4, 1833. Read, and laid upon the table.

TREASURY DEPARTMENT,
December 3, 1833. }

To the HON. ANDREW STEVENSON,
Speaker of the House of Representatives:

Sir: In pursuance of the power reserved to the Secretary of the Treasury by the act of Congress, entitled "An act to incorporate the subscribers to the Bank of the United States," I have directed that the deposits of the money of the United States shall not be made in the said bank or branches thereof, but in certain State banks which have been designated for that purpose; and I now proceed to lay before Congress the reasons which induced me to give this order and direction.

The sixteenth section of the law above mentioned is in the following words: "And be it further enacted, that the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

It has been settled by repeated adjudications, that a charter granted by a State to a corporation like that of the Bank of the United States, is a contract between the sovereignty which grants it, and the stockholders. The same principle must apply to a charter granted by the United States; and consequently the act incorporating the bank is to be regarded as a contract between the United States of the one part, and the stockholders of the other; and by the plain terms of the contract, as contained in the section above quoted, the stockholders have agreed that the power reserved to the Secretary over the deposits shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved in the removal. The order, therefore, of the Secretary of the Treasury directing the public money to be deposited elsewhere, can in no event be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter. The Treasury Department being entrusted with the administration of the finances of the country, it was always the duty of the Secretary, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe keeping, in the hands of faithful agents, and in convenient places, ready to be applied according to the wants of the Government. The law incorporating the bank has reserved to him, in its full extent, the power he before possessed. It does not confer on him a new power, but reserves to him his former authority without any new limitation. The obligation to assign the reasons for his direction to deposit the money of the United States elsewhere, cannot be considered as a restriction of the power, because the right of the Secretary to designate the place of deposit was always necessarily subject to the control of Congress. And as the Secretary of the Treasury presides over one of the Executive Departments of the Government, and his power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer to whom the constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed.

The faith of the United States is, however, pledged, according to the terms of the section above quoted, that

the public money shall be deposited in this bank, "unless the Secretary of the Treasury shall otherwise order and direct." And as this agreement has been entered into by Congress in behalf of the United States, the place of deposit could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must, therefore, continue to be deposited in the bank until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter. The power over the place of deposit for the public money would seem properly to belong to the Legislative Department of the Government. And it is difficult to imagine why the authority to withdraw it from this bank was confided exclusively to the Executive. But the terms of the charter appear to be too plain to admit of question. And although Congress should be satisfied that the public money was not safe in the care of the bank, or should be convinced that the interests of the people of the United States imperiously demanded the removal, yet the passage of a law directing it to be done would be a breach of the agreement into which they have entered.

Assuming this to be the true construction of the charter of the bank, it must be the duty of the Secretary of the Treasury to withdraw the deposits of the public money from that institution, whenever the change would, in any degree, promote the public interest. It is not necessary that the deposits should be unsafe, in order to justify the removal. The authority to remove is not limited to such a contingency. The bank may be perfectly solvent, and prepared to meet promptly all demands upon it; it may have been faithful in the performance of its duties, and yet the public interest may require the deposits to be withdrawn. And as that cannot be done without the action of this department, the Secretary of the Treasury would betray the trust confided to him, if he did not cause the deposits to be made elsewhere, whenever the change would advance the public interests or convenience. The safety of the deposits, the ability of the bank to meet its engagements, its fidelity in the performance of its obligations, are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people must regulate his conduct.

The principle was distinctly asserted by Mr. Crawford, when he was the Secretary of the Treasury, soon after the bank obtained its charter. In a postscript to his letter to the President of the Mechanics' Bank, of New York, dated February 13, 1817, he says, "The Secretary of the Treasury will always be disposed to support the credit of the State banks, and will, invariably, direct transfers from the deposits of the public money, in aid of their legitimate exertions to maintain their credit. But as the proposition of the Bank of the United States excludes the idea of pressure on its part, no measure of that nature appears to be necessary at this time. Other passages in the correspondence of Mr. Crawford with the banks, about the period above mentioned might be referred to, equally indicating the same opinion; and, at that day, no doubt seems to have been entertained of the power or of the duty of the Secretary, in relation to this subject. It does not appear to have been then even suggested that the right of removal depended on the solvency of the bank, or the safety of the public money committed to its custody; on the contrary, in the passage above quoted, the superior safety of the State banks is by no means regarded as necessary to give him the right to make the transfer to them; for he declares that he will give the deposits to the State banks, on account of their weakness, and to protect them from the Bank of the United States, if, by means of its superior strength, it sought to oppress them. Nor can any distinction be taken between the transfer of a part, and the transfer of the whole sum remaining on deposit. The language of the charter recognizes no such distinction; and the principle asserted

by Mr. Crawford would have led him to the removal of the whole amount of the public money to the State banks, if a pressure on the part of the Bank of the United States had rendered such a measure necessary, in order to support the State banks "in their legitimate exertions to maintain their credit."

The language of the law, therefore, and the usage and practice of the government under it, established the following principles:

1st. That the power of removal was intended to be reserved exclusively to the Secretary of the Treasury, and that, according to the stipulations in the charter, Congress could not direct it to be done.

2d. That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposits, and it is his duty to remove them whenever the public interest or convenience will be promoted by the change.

Taking these two principles as unquestionable, I proceed to state the reasons which induced me to believe that it was necessary for the interest and convenience of the people that the Bank of the United States should cease to be the depository of the public money.

The charter of the bank, will expire, according to the existing law on the subject, on the 3d of March, 1836; and for two years after the termination of the charter, it is authorized to use the corporate name for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, but not for any other purpose. It is the duty of the Executive Departments of the Government to exercise the powers conferred on them, and to regulate the discretion confided to them, according to the existing laws; and they cannot be allowed to speculate on the chances of future changes, by the legislative authority. Perhaps there may be cases in which the discretion vested in an Executive Department might, with propriety, be in some degree influenced by the expectation of future legislation; but they must be cases in which the principles of justice, or the public interests, manifestly call for an alteration of the law; or where some expression of the public opinion has strongly indicated that a change will probably be made. But where nothing of this kind exists, an Executive officer of the Government is not authorized to regulate a discretion which the law has entrusted to him, upon the assumption that the law will be changed.

In deciding upon the course which it was my duty to pursue in relation to the deposits, I did not feel myself justified in anticipating the renewal of the charter on either of the above mentioned grounds. It is very evident that the bank has no claim to renewal founded on the justice of Congress. For, independently of the many serious and insurmountable objections which its own conduct has furnished, it cannot be supposed that the grant to this corporation, of exclusive privileges, at the expense of the rest of the community for twenty years, can give it a right to demand the still further enjoyment of its profitable monopoly. Neither could I act upon the assumption that the public interest required the recharter of the bank; because I am firmly persuaded that the law which created this corporation in many of its provisions is not warranted by the constitution; and that the existence of such a powerful moneyed monopoly is dangerous to the liberties of the people, and to the purity of our political institutions.

The manifestations of public opinion, instead of being favorable to a renewal, have been decidedly to the contrary. And I have always regarded the result of the last election of President of the United States as the declaration of a majority of the people that the charter ought not to be renewed. It is not necessary to state here what is now a matter of history. The question of the renewal of the charter was introduced into the election by the corporation itself. Its voluntary application

to Congress for the renewal of its charter four years before it expired, and upon the eve of the election of President, was understood on all sides as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued on both sides before the tribunal of the people, and their verdict pronounced against the bank by the election of the candidate who was known to have been always inflexibly opposed to it.

Under these circumstances, I could not have been justified, upon either of the grounds above mentioned, in anticipating any change in the existing laws in relation to the bank; and as the act of Congress which created the corporation, limits its duration to the 3d of March, 1836, it became my duty, as Secretary of the Treasury, in executing the trust confided to me under the law, to look to that period of time as the termination of its corporate existence. I had no sufficient grounds for presuming that the law would be altered in this respect by future legislation, and a new charter be granted to the bank. It was, therefore, incumbent upon me, in discharging my official duties, to act upon the assumption that this corporation would not continue in being after the time above specified. And in this state of things, without any reference to the manner in which the bank had conducted itself, it became necessary to decide whether the deposits ought to remain in the bank until the end of its corporate life, or be removed at some earlier period. In forming my opinion on this subject, I could only inquire which of these measures would most conduce to the public good.

It is obvious that the interests of the country would not be promoted by permitting the deposits of the public money to continue in the bank until its charter expired. Judging from the past, it is highly probable that they will always amount to several millions of dollars. It would evidently produce serious inconvenience, if such a large sum were left in possession of the bank until the last moment of its existence, and then be suddenly withdrawn, when its immense circulation is returning upon it to be redeemed, and its private depositors removing their funds into other institutions. The ability of the bank, under such circumstances, to be prompt in its payments to the Government, may well be doubted, even if the ultimate safety of the deposits could be relied upon. Besides, the principal circulating medium now in the hands of the people, and the one most commonly used in the exchange between distant places, consists of the notes of the Bank of the United States, and its numerous branches. The sudden withdrawal of its present amount of circulation, or its sudden depreciation before any other sound and convenient currency was substituted for it, would certainly produce extensive evils, and be sensibly felt among all classes of society.

It is well understood that the superior credit heretofore enjoyed by the notes of the Bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States; and it was this pledge on the part of the Government which gave general currency to the notes payable at remote branches. The same engagement in favor of any other moneyed institution would give its notes equal credit, and make them equally convenient for the purposes of commerce. But this obligation on the part of the United States will cease on the 3d of March, 1836, when the charter expires; and as soon as this happens, all the out-standing notes of the bank will lose the peculiar value they now possess; and the notes payable at distant places become as much depreciated as the notes of local banks. And if, in the mean time, no other currency is substituted in its place by common consent, it is easy to foresee the extent of the embarrassment which would be caused by the sudden derangement of the circulating medium. It would be too late

at that time to provide a substitute which would ward off the evil. The notes of the Bank of the United States in circulation on the 2d of September last, which was the date of the latest return before me, when the order for removal was given, amounted to \$18,413,287 07, scattered in every part of the United States. And if a safe and sound currency were immediately provided, on the termination of the charter, to take the place of these notes, it would still require time to bring it into general use, and, in the interim, the people would be subjected to all the inconveniences and losses which necessarily arise from an unsound state of the currency. The evil would be so great, and the distress so general, that it might even compel Congress against its wishes to recharter the bank. And perhaps more effectual means could hardly be devised for ensuring the renewal of the charter. It is evident that a state of things so much to be deprecated can only be avoided by timely preparation; and the continuance of the deposits can only be justified by the determination to renew the charter. The State banks can, I have no doubt, furnish a general circulating medium, quite as uniform in value as that which has been afforded by the Bank of the United State. Probably more so. For it is well known that in some of the cities the branches of the bank have been in the habit, whenever they thought proper, of refusing to honor the notes of their own bank, payable at other branches, when they were not offered in discharge of a debt due to the United States. But a currency founded on the notes of State banks could not be suddenly substituted for that heretofore furnished by the Bank of the United States, and take the place of it, at the same moment, in every part of the Union. It is essential that the change should be gradual, and sufficient time should be allowed to suffer it to make its way by the ordinary operations of commerce, without requiring a hasty and violent effort.

In this view of the subject, it would be highly injudicious to suffer the deposits to remain in the Bank of the United States, until the close of its corporate existence. And as they cannot be withdrawn without the action of the Secretary of the Treasury, it must unavoidably become his duty, at some period of time, to exercise the power of removal. Laying aside, therefore, for the present, all the considerations which the misconduct of the bank has furnished, the question presented to this department was, how long could the removal be delayed consistently with the public interests? It is a question of time only. The duty must be performed at some period, and could not be altogether omitted, without justly incurring a heavy responsibility to the community for all the consequences that might follow. And it is, I think, apparent that the measure was delayed as long as was compatible with the interest of the people of the United States.

The monthly statement of the bank, of the 2d September last, before referred to, shows that the notes of the bank and its branches, then in circulation, amounted to \$18,413,287 07, and that its discounts amounted to the sum of \$62,653,359 59. The immense circulation above stated, pervading every part of the United States, and most commonly used in the business of commerce between distant places, must all be withdrawn from circulation when the charter expires. If any of the notes then remain in the hands of individuals, remote from the branches at which they are payable, their immediate depreciation will subject the holders to certain loss. Those payable in the principal commercial cities would, perhaps, retain nearly their nominal value; but this would not be the case with the notes of the interior branches, remote from the great marts of trade. And the statements of the bank will show that a great part of its circulation is composed of notes of this description. The bank would seem to have taken pains to introduce into common use such a description of paper as it could depreciate, or raise to its par value, as best suited its own views; and it is of the first importance to

the interests of the public that these notes should all be taken out of circulation, before they depreciate in the hands of the individuals who hold them; and they ought to be withdrawn gradually, and their places supplied, as they retire, by the currency which will become the substitute for them. How long will it require, for the ordinary operations of commerce, and the reduction of discounts by the bank, to withdraw the amount of circulation before mentioned, without giving a shock to the currency, or producing a distressing pressure on the community? I am convinced that the time which remained for the charter to run, after the 1st of October, (the day on which the first order for removal took effect,) was not more than was proper to accomplish the object with safety to the community. And if it had depended upon my judgment at an earlier period, I should have preferred and should have taken a longer time. Enough, however, is yet left, provided no measures are adopted by the bank for the purpose of inflicting unnecessary suffering upon the country. Apart therefore from any considerations arising out of the conduct of the bank, and looking merely to the near approach of the day when it would cease to exist, the withdrawal of the deposits appeared to be required by the public interest, at the time when the first order for removal was given by this department.

This opinion is confirmed by the ground taken in favor of the renewal of the charter; at December session, 1831. It was then urged that the short period which yet remained of its corporate existence, and the necessity of preparing to wind up its concerns, if the charter was not to be renewed, made it proper that the question should at once be decided. Very little more than half of that time yet remains. And although I do not concur in the opinions then expressed, and believe that the application was ill-timed and premature, yet the arguments then relied on, by many whose judgment is entitled to respect, afford strong grounds for concluding that the measure now adopted is not objectionable on the score of time; and that if the deposits were not to continue in the bank until the termination of its charter, their withdrawal could not with propriety be longer delayed.

There is, however, another view of the subject, which, in my opinion, made it impossible further to postpone the removal. About the 1st of December, 1832, it had been ascertained that the present Chief Magistrate was re-elected, and that his decision against the bank had thus been sanctioned by the people. At that time the discounts of the bank amounted to \$61,571,625 66. Although the issue which the bank took so much pains to frame had now been tried, and the decision pronounced against it, yet no steps were taken to prepare for its approaching end. On the contrary, it proceeded to enlarge its discounts, and, on the 2d of August, 1833, they amounted to \$64,160,349 14, being an increase of more than two and a half millions in the eight months immediately following the decision against them. And so far from preparing to arrange its affairs with a view to wind up its business, it seemed, from this course of conduct, to be the design of the bank to put itself in such an attitude, that at the close of its charter, the country would be compelled to submit to its renewal, or to bear all the consequences of a currency suddenly deranged, and also a severe pressure for the immense outstanding claims which would then be due to the corporation. While the bank was thus proceeding to enlarge its discounts, an agent was appointed by the Secretary of the Treasury to inquire upon what terms the State banks would undertake to perform the services to the Government which have heretofore been rendered by the Bank of the United States; and also to ascertain their condition in four of the principal commercial cities, for the purpose of enabling the department to judge whether they would be safe and convenient depositories for the public money. It was deemed necessary that suitable fiscal agents should be prepared in due season

and it was proper that time should be allowed them to make arrangements with one another throughout the country, in order that they might perform their duties in concert, and in a manner that would be convenient and acceptable to the public. It was essential that a change so important in its character, and so extensive in its operation upon the financial concerns of the country, should not be introduced without timely preparation. There was nothing in this proceeding, nor in the condition of the bank, which should at that time have produced a sudden and entire change of its policy. For, in addition to the ordinary receipts from bonds given on account of previous importations, the season was at hand when the cash duties on woollens might well be expected to be very productive, and from these two sources the receipts from the customs were in fact unusually large, and the amount of the public deposits in the bank proportionately heavy. The capacity of the bank, therefore, at this time, to afford facilities to commerce, was not only equal, but greatly superior to what it had been for some time before; and the nature of the inquiry made of the State banks, confined as it was to the four principal commercial cities, showed that the immediate withdrawal of the entire deposits from the bank, so as to distress it, was not contemplated. And if any apprehensions to the contrary were felt by the bank, an inquiry at this department would no doubt have been promptly and satisfactorily answered. And certainly it was the duty of the bank, before it adopted a course oppressive to the whole country, to be sure of the ground on which it acted. It can never be justified for inflicting a public injury, by alleging mistaken opinions of its own, when the means of obtaining information, absolutely certain, were so obviously within its reach. The change was already designed to be gradual, and the conduct of the bank itself has since compelled me to remove a portion of the deposits earlier than was originally intended. There was nothing, therefore, in the inquiry before mentioned, nor in the views of the Executive Department, nor in the condition of the bank, which justified a sudden and oppressive change in its policy.

The situation of the mercantile claims also rendered the usual aids of the bank more than ever necessary to sustain them in their business. Their bonds for previous importations were, as before stated, constantly becoming due, and heavy cash duties were almost daily to be paid. The demands of the public upon those engaged in commerce were consequently unusually large, and they had a just claim to the most liberal indulgence from the fiscal agent of the Government, which had for so many years been reaping harvests of profits from the deposits of the public money. But the bank about this time changed its course.

By the monthly statement of the bank, dated 2d August, 1833, it appears that its loans and domestic bills of exchange, purchased and on hand, amounted to	\$64,160,349 14
By the monthly statement of the 2d of September, 1833, they appear to have been	62,653,359 59
By that of the 2d October, 1833, they were	60,094,202 93
Reduction in two months	\$4,066,146 21
By the same papers it appears that the public deposits including those for the redemption of the public debt, the Treasurer's, and those of the public offices, were in August	7,599,931 47
September	9,182,173 18
October	9,868,435 58

Inc'ase of the public deposits in 2 months \$2,268,504 11

Total amount collec'd from the commu'y \$6,334,650 32

Thus upwards of six millions of dollars were withdrawn from the business of the country by the Bank of the United States in the course of two months. This, of itself, must have produced a pressure on the money market, affecting all commercial transactions. But the curtailment in the bank accommodations of the community was much larger. The policy adopted by the Bank of the United States, compelled the State banks to take the same course in self defence; and the Bank of the United States appears to have resorted to the expedient of drawing from the State banks the balances due, in specie, and to have hoarded up the article in its own vaults.

In August, 1833, that bank had in specie	\$10,023,677 38
September	10,207,649 20
October	10,663,441 51
Showing an increase of specie in two months, of	\$639,764 13

This sum, it is believed, was chiefly drawn from the State banks. To fortify themselves, those banks were compelled to call on their debtors, and curtail their accommodations; and also a large proportion of these calls is always paid in their own notes, that, to obtain \$100,000 in specie, they are probably obliged to call for four or five times that amount. To replace the specie taken from them by the Bank of the United States, and to provide for their own safety, the State banks, therefore, must have curtailed from two to three millions of dollars. On the whole, it is a fair estimate, that the collections from the community during those two months, without any corresponding return, did not fall much short of nine millions of dollars. As might have been expected, complaints of a pressure upon the money market were heard from every quarter. The balances due from the State banks had, during the same time, increased from \$368,969 98 to 2,288,573 19; and, from the uncertain policy of the bank, it was apprehended they might suddenly be called for in specie. The State banks, so far from being able to relieve the community, found themselves under the necessity of providing for their own safety.

A very large proportion of the collections of the bank in August and September, were in Philadelphia, New York, and Boston.

In August and September, the curtailment in Philadelphia was	\$195,548 69
Increase of public deposits	646,846 80
Actual collections by the bank	842,395 49
Increase of public deposits in New York	1,396,597 24
Deduct increase of loans	331,295 38
Actual collections by the bank	1,065,301 86
Curtailments in Boston	717,264 45
Increase of public deposits	48,069 88
Actual collections by the bank	765,334 33

Total collections in the three cities, \$2,673,031 68

It will be perceived that it was solely through the increase of the public deposits that the bank raised balances against the State banks in New York, and was placed in a situation to take from them, at its pleasure, large sums in specie. And when it is considered that those curtailments and collections of the Bank of the United States necessarily compelled the State banks to curtail also, we shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September. It was impossible that the commercial community could have sustained itself much longer under such a policy. In the

two succeeding months, the collections of the bank would probably have exceeded five millions more, and the State banks would have been obliged to curtail in an equal sum. The reduction of bank accommodations to the amount of nineteen millions of dollars in four months, must have almost put an end to trade; and before the 1st of October this pressure in the principal commercial cities had become so intense, that it could not have been endured much longer without the most serious embarrassments. It was then daily increasing; and from the best information I have been able to obtain, I am persuaded that if the public moneys received for revenue had continued to be deposited in the Bank of the United States for two months longer, and it had adhered to the oppressive system of policy which it pursued during the two preceding months, a widespread scene of bankruptcy and ruin must have followed. There was no alternative, therefore, for the Treasury Department, but to act at once, or abandon the object altogether. Duties of the highest character would not permit the latter course, and I did not hesitate promptly to resort to the former.

I have stated the condition of the mercantile classes at the time of the removal, to explain why it was impossible to postpone it even for a short period. Under other circumstances, I should have been disposed to direct the removal to take effect at a distant day, so as to give Congress an opportunity of prescribing, in the mean time, the places of deposit, and of regulating the securities proper to be taken. It is true that the power given to the Secretary of the Treasury to remove the deposits from the Bank of the United States necessarily carries with it the right to select the places where they shall afterwards be made. The power of removal cannot be exercised without placing them elsewhere; and the right to select is, therefore, contained in the right to remove. It is also true that, in my judgment, as has already been stated, the public interest would have been advanced if the change had taken place at an earlier period. Yet as a few months would, in ordinary times, have made no very serious difference, and the removal had already been delayed until the meeting of Congress was approaching, I should have preferred executing the measure in a manner that would have enabled the Legislature to act on the subject in advance of the actual removal, if it had deemed it proper to do so. But the conduct of the bank left me no choice, except between the immediate removal and its final relinquishment. For, if the measure had then been suspended, to be resumed at a future time, it was in the power of the bank to produce the same evil whenever it was again attempted. Putting aside, therefore, from the view of the subject which I am now presenting, all the inducements which grew out of the misconduct of the bank, and regarding only its approaching end, and the intensity of the pressure it was then producing, no further delay was admissible.

The facts and reasons above stated appear to have established the following propositions:

1st. That it was the duty of this department not to act upon the assumption that the legislative power would hereafter change the law in relation to the Bank of the United States; and it was bound to regulate its conduct upon the principle that the existence of this corporation would terminate on the 3d of March, 1836.

2d. The public interest required that the deposits of public money should not continue to be made in the Bank of the United States, until the close of its existence, but should be transferred to some other place, at some period prior to that time.

3d. The power of removal being reserved exclusively to the Secretary of the Treasury, by the terms of the charter, his action was necessary in order to effect it, and the deposits could not, according to the agreement made by Congress with the stockholders, have been removed by the legislative branch of the Government, until the charter was at an end.

4th. The near approach of the time when the charter would expire, as well as the condition of the mercantile community, produced by the conduct of the bank, rendered the removal indispensable at the time it was begun, and it could not have been postponed to a later day, without injury to the country.

Acting on these principles, I should have felt myself bound to follow the course I have pursued in relation to the deposits, without any reference to the misconduct of the bank. But there are other reasons for the removal growing out of the manner in which the affairs of the bank have been managed, and its money applied, which would have made it my duty to withdraw the deposits at any period of the charter.

(To be continued.)

WEST-CHESTER RAIL ROAD.

Pursuant to previous notice, a meeting of the Stockholders of the West-Chester Rail Road Company was held on the 20th day of January, 1834, at the house of William Reed, in the borough of West-Chester, for the purpose of electing seven Directors of said company for the ensuing year, and also for the purpose of taking into consideration the propriety of making a branch rail road from West-Chester, to the Pennsylvania Rail Road, in the direction of Thomas's marble quarries.

Philip Price was called to the Chair, and Wm. Darlington and Joseph Hemphill, Jr. Esq's. were chosen Secretaries.

Dr. Wm. Darlington, President of the Board of Directors, then read the report of that Board to the Stockholders, and also the Report of the Treasurer of the Company. Which, on motion were accepted, and ordered to be printed.

THIRD ANNUAL REPORT

Of the Directors of the West-Chester Rail Road Company.

In submitting their Third Annual Report, the Directors of the West-Chester Rail Road Company are enabled to congratulate the Stockholders upon the completion of the track, and the opening of the communication, on the Columbia railway, into the city of Philadelphia. This desirable event, after a most discouraging delay, took place on the 25th of the last month, on which day, a number of distinguished gentlemen, members of the Legislature, and others, having accepted an invitation to visit our borough; entered the Cars in *Broad Street*, passed over the new bridge and inclined plane, and after a gratifying excursion, were returned and landed at the same place in the evening. Since then, the intercourse with the City has been direct, upon the rail road, instead of taking stages at the head of the Plane, as heretofore; and has consequently, added much to the convenience and comfort of travellers. The only circumstance which detracts from the entire satisfaction of all concerned, is the necessity which still exists, of passing the inclined plane, at Schuylkill, with *horse power*, instead of competent and secure machinery. It is hoped, however, that the state authorities will promptly perceive and appreciate the importance of adequate arrangements to pass Cars, of every description, over that difficult portion of the road, with the least possible risk to persons and property. The constant liability to accident, in passing a plane of such high grade, especially with *loaded burthen Cars*—must remain a source of painful anxiety to every reflecting mind, so long as the business at that place shall be left to the management and discretion of inexperienced or casual conductors of horse power; and it is believed that the speedy adoption of a more systematic and secure mode of transit, under the direction of responsible agents, is called for by every consideration of policy and humanity. In the mean time, it is proper to observe, that every precaution has been taken, by the Directors of this company, and those with whom they are connected, to

insure the utmost degree of safety to passengers and property, which careful drivers, extra horses, and the most substantial appliances can afford. Their experience thus far, they are happy to say, has been entirely satisfactory; and it is their intention to omit no means, and spare no expense, proper on their part, to render the intercourse with the city, by the rail road, as perfect, and beneficial to the community, as possible.

Since the last report, it was found expedient to call in the tenth and last instalment of the capital stock. This became necessary, in consequence of the amount of damages awarded to landholders along the line of the road,—the construction of additional sidings, or turn-outs; and a more durable horse path, which experience had shewn to be indispensable; and moreover, to enable the Directors to organize an efficient line of passenger Cars between the borough and city, and to make such further provision of cars, horses, &c. as the business of the company might require. These measures have chiefly been accomplished. *An Union Line* of passenger cars, of ample capacity for the accommodation of travellers, and of which the company are proprietors of one half, was established in May last; and continues to run twice each way, daily, between West-Chester and Philadelphia. The travelling portion of the community have already had a pleasing demonstration of the value of our improvement,—not only in the celerity and comfort with which their trips are performed; but also in a material reduction of the charges, formerly exacted on the stage route. These benefits, however, are but a part of what may now be speedily expected. The Directors have made arrangements for establishing a *line of burthen cars*, which will be put in operation without delay; and, which, it is confidently believed, will cause the advantages of the rail road to be sensibly felt by the whole of our active, business-doing community.

By the Treasurer's statement, hereto annexed, it appears that the amount of capital paid in, is	\$99,960 00
The amount of Capital expended, for construction of Rail Road, buildings, fencing, damages, cars and horses, &c.	96,898 98
Leaving a balance of capital, (which has been advantageously invested,) of	3,061 02
The amount received for tolls, freights, &c. is	7,870 22
The amount of expenses, for wages of agents, drivers, horse keeping, tolls, &c. to January 1, 1834, is	4,493 14
Balance,	\$3,377 08
Deduct dividend, declared Jan. 1, 1834,	3,000 00
Balance on hand,	\$377 08

The receipts of the company having, in the opinion of the Directors, authorized a dividend of three per cent. of the capital stock, the same was accordingly declared on the first instant.

The impediments hitherto existing, by reason of the unfinished portion of the state rail way, and the extra arrangements necessarily required by that imperfection, have thus far caused the expenditures to bear a large proportion to the receipts; but, the communication with the city being now completed, it is not thought unreasonable to calculate that the future operations of the company may be rendered much more productive. It is, in fact, only from this date that the rail road can be considered as fairly ready for the commencement of a regular, advantageous business.

In their last report, the Directors adverted to the subject of a lateral or *branch rail road*, of about one and a half miles in length, to intersect the Columbia rail way near the lime and marble quarries, in the Great Valley. An act of Assembly has been since passed, authorizing the company to construct such branch. For

the purpose of enabling the Stockholders to decide upon the propriety of undertaking the work, the Directors caused a survey and estimate to be made, which was laid before a special meeting of the Stockholders, on the 21st of November last; when the question was postponed to the present annual meeting. The facilities which rail roads offer for transporting heavy materials, give much positive encouragement to make the proposed branch,—by which there would be opened to West-Chester and the country adjacent, a new and most valuable trade, particularly in lime and limes one; as well as lumber, and other heavy articles, which can only be derived from the proposed connection. Not only would a large and valuable trade be opened to the agricultural and mercantile part of the community, in the vicinity of our road, but the connection would also enable us to bring a large portion of the citizens of the county, who have business at the seat of justice, one third nearer, in point of time; whilst it would enable the company to derive a consequent and proportionate advantage in the conveyance of passengers. The mere revenue arising from the use of the *branch alone*, should not be considered as the full amount to be set off against the cost of its construction, inasmuch as the business which it would diffuse over other parts of the road, already made, would be equal, in fact, to an extension of some 6 or 7 miles of road, for the expense of constructing one mile and an half. As the *cost* of the branch, by one route, has been carefully estimated by the same accomplished Engineer who located and constructed our main line, and has been found not to exceed ten thousand dollars; and as another route has been suggested, which, though somewhat more circuitous, will require less expenditure; it may well merit the consideration of the company, whether the undertaking ought not now to be attempted. If the present Stockholders do not incline to furnish the means, *themselves*, they might authorize an enlargement of the capital to the requisite extent, by *new subscriptions*, under such provisions and stipulations as would be equitable and just, both to the old and new Stockholders, and thereby obtain the means of greatly extending the benefits of the existing improvement, without at all impairing the value of the present Stock.

All which is respectfully submitted,

By order of the Board,

WM. DARLINGTON, President.

Jan. 20, 1834.

TREASURER'S REPORT.

Receipts and Expenditures of the West-Chester Rail Road Company, from its commencement up to the completion of the one track, including buildings, horses, &c.

DR.	
To amount of Capital Stock paid in	\$99,960 00
CR.	
By whole amount of grading and road formation	33,766 64
Sleepers	3,494 20
Iron, castings, spikes, &c.	12,303 89
String-pieces, hauling, wharfage, &c.	8,711 33½
Construction of track, including horse-path	10,170 65½
Salaries and wages	4,457 35
Incidental expenses	1,314 59
Stone furnished	6,217 05
Buildings	1,917 83
Cars and horses	6,539 02
Real Estate	51 69
Fencing	4,287 35
Damages to land, crops, &c.	3,497 33
Discount paid on money borrowed	72 67
Expenses belonging to construction of road	77 39
Balance of Capital on hand	3,061 02
	<hr/> \$99,960 00

Treasurer of the West-Chester Rail Road Company in account with said Company, January 1, 1834.

DR.	
To amount of tolls and freight received	\$7,719 22
Damages recovered for injury to road	9 00
Dividend on Bank stocks	112 00
3 quarters rent from Warnick	30 00
	<hr/> \$7,870 22

CR.	
By cash paid Hickman James, agent	\$550 00
Horse-feed	609 99
Expenses	1,428 57
Drivers' wages	491 08
State of Penna. (tolls,)	165 72
Joint stock account	887 63
Lancaster Company at settlement up to January 1, 1834	360 35
First Dividend—3 per cent.	3,000 00
Balance on hand	377 08
	<hr/> \$7,870 22

All which is respectfully submitted.

WM. WILLIAMSON, Treasurer.

January 1, 1834.

It was then, on motion, Resolved, that the Chairman and Secretaries of the meeting act as Judges of the Election now to be held for the purpose of electing seven Directors for said company for the ensuing year.

When, on counting off, it appeared that Dr. William Darlington, David Townsend, Ziba Pyle, Jonathan Valentine, Jonathan Jones, Eusebius Townsend, and Elihu Chauncey, were unanimously elected.

The meeting then proceeded to the consideration of the subject of constructing a branch rail road, from the West-Chester, to the Pennsylvania Rail Road, which was laid over from the last meeting of the Stockholders.

On motion of W. H. Dillingham, Esq. the following resolutions were adopted, and ordered to be printed with the other proceedings of the meeting.

Resolved, That it is expedient to construct a branch rail road, from the West-Chester rail road to some point on the "Philadelphia and Columbia rail way," in the vicinity of the lime and marble quarries of the Great Valley.

Resolved, That in order to enable the company to construct said branch, the Capital Stock be increased the sum of \$10,000 by new subscriptions, as authorized by the supplement to the act of incorporation; and that the Directors be requested to open books for that purpose, at such times and places as they may deem expedient.

Resolved, That the following be the terms upon which (in addition to the provisions of the act of incorporation) the said stock shall be subscribed, viz. A separate account shall be kept by the board of Directors, of the receipts and expenditures on account of the additional stock and branch, and no dividend shall be made on such new stock, nor any benefit derived to the holders thereof, except the profits arising from the business of the branch road alone, until the expiration of six months from and after the completion of said branch; after which time the holders of such new stock, and the present stockholders, shall be entitled to equal privileges and immunities in the corporation, in proportion to the amount of stock held by them respectively.

Resolved, That when the said sum of \$10,000 shall be subscribed, the Directors cause the said branch road to be constructed on such route and in such manner as they shall deem most conducive to the interests of the Company.

PHILIP PRICE, Chairman.

WM. DARLINGTON, }
Jos. HENPHILL, Jr. } Secretaries.

FRANKLIN INSTITUTE.

The Annual Meeting of the Institute was held at their Hall, on Thursday evening, January 16th 1834.

Mr. C. C. Haven was appointed chairman.

The Chairman of the Board of Managers presented the Annual Report, which was read and ordered to be published.

The resolutions recommended by the Board establishing the Committee on Science and Arts were adopted.

The Tellers reported the result of the Annual Election for Officers and Managers for the ensuing year, from which it appeared that the following gentlemen were duly elected, viz:

James Ronaldson, President.

Isaiah Lukens and Thomas Fletcher, Vice Presidents.

William S. Perot, Recording Secretary.

Isaac Hays, M. D. Corresponding Secretary.

Frederick Fraley, Treasurer.

MANAGERS.

Samuel V. Merrick

Abraham Miller

William H. Keating

Isaac B. Garrigues

Rufus Tyler

John Struthers

Matthias W. Baldwin

Mordecai D. Lewis

Charles H. White

Thomas Scattergood

Benjamin Reeves

Alexander Dallas Bache

J. Henry Bulkley

Alexander Ferguson

Joshua G. Harker

John Agnew

Rufus Tyler

William B. Reed

George Fox

Alexander McGlurg

*Robert Lindsay

*Joseph S. Walter, jr.

*John A. C. Trautwine

*Samuel Hufty.

(Extract from the Minutes.)

C. C. HAVEN, Chairman.

WILLIAM S. PEROT, Recording Secretary.

At a meeting of the Board of Managers held January 18,

Mr. Alexander Ferguson was elected Chairman of the Board, and

Messrs. M. W. Baldwin and Frederick Fraley, Curators for the ensuing year.

ANNUAL REPORT.

To the Franklin Institute of the State of Pennsylvania, for the promotion of the Mechanic Arts, the Board of Managers respectfully submit the Tenth Annual Report.

The condition of the Institution, which it is made, by the Constitution, the duty of the Managers at this time to report to the members of the Institute, is one well deserving mutual congratulation. From a small beginning, in an attempt to diffuse useful knowledge, to promote practical science and the mechanic arts, the institution has grown to be respected by her members and the public, and to feel that her efforts have been crowned with a success, which stimulates to new exertion.

The growing taste for science, fostered by the lectures of the Institute, manifests itself, in the most unequivocal manner, by the numbers of the class which through the lecture room the accommodations of which it has been necessary to extend by every device which the capacity of the room will permit. To the lecturers who have by the accumulated labors of past years and of the present one, brought about such a result, the thanks of the Institute are due, and are given as freely as the instruction has been communicated. The course of Chemistry, by Professor J. K. Mitchell, which gave such general satisfaction during the last year, has had new and appropriate interest infused into it during the present. The division of the courses of Natural Philosophy from that on Mechanics has permitted the lecturer, Professor W. R. Johnson, to present to the class

new matter for consideration, of a popular as well as of a practical kind. To Gouverneur Emerson, M. D. who has for the second time come forward with a course on Meteorology, and to J. Millington, Esq. late Professor of Natural Philosophy in the Royal Institution of London, who is engaged in a most able series of lectures to the class on Astronomy, the Managers thus publicly tender their thanks. By the aid of these gentlemen the class is provided regularly with three lectures during each week.

With a view to the promotion of an interesting branch of Science, Geology, the Board of Managers have granted the use of their lecture room to Henry D. Rogers, Esq. late Professor of Chemistry in Dickinson College, for the purpose of delivering a course of lectures on that subject. To these lectures members of the Institute are admitted on a very favorable footing.

The arrangements made in the other branches of instruction should secure for them the warm support of the members of the Institute. The Committee on Instruction have placed the Drawing School under the charge of Mr. William Mason, whose abilities as a teacher in that branch are extensively known. The accommodations of the school, which were last year increased, by allotting to it the front room on the third floor of the hall, an excellent, and an efficient discipline combined with thorough instruction render this school in every respect deserving the patronage of the Mechanic. The English school under the charge of Mr. Seth Smith is no less efficient, and it is believed by the board that strict inquiry into items of expenditure will satisfy the members that the tuition fee fixed in this school is in reality not higher than a much less nominal sum might prove when added to incidental expenses, which are here not liable to be charged.

As subsidiary to the instructions of the lecture room should be noticed those opportunities afforded for the acquirement of information, by the library and reading room, and for mutual instruction, by the monthly meetings for conversation on mechanical and general science. During the year the committee on the Library have added to the limited number of works now in our possession whenever the funds at their disposal would permit. Donations have been received from many public spirited individuals among our members, in the foremost rank of whom by the number of their donations ought to be stated the names of the enterprising publishers Messrs. Carey, Lea & Blanchard. The donations received, with the names of the donors attached, have been regularly placed upon the shelves by the Committee, whose duties have been further pursued by the preparation of a catalogue of the Library, which is now nearly completed.

The monthly meetings for conversation have proved highly acceptable to the members; the absence of form and the considerable variety introduced in them have led to a regular increase in the attendance upon them: their organization requires only to be a little better understood to enable each one present to attend in succession to every one of the objects which may be, in the course of discussion submitted, for examination.

As contributing to sustain the spirit of scientific inquiry, the Journal of the Franklin Institute should be noticed in connexion with the foregoing subjects. Published in monthly numbers, furnished at a reasonable price, and in both matter and manner worthy of the institution from which it emanates, this Journal is winning its way into extended notice. Every member of the Institute, whose means are in any way adequate to it, should be a subscriber, re-collecting that an increased subscription will enable its conductors to add to its efficiency and will relieve the institution from any charge concerning it. The volumes for the past year have contained 872 pages, of which 495 pages have been of original matter, having been devoted to the record of American inventions. The labors of the editor may well be classed, as they have just been, with original matter,

including as they do the reasoned abstract of manuscript descriptions, with remarks which the experience of Dr. Jones renders particularly valuable. Sixty-eight periodicals, foreign and domestic, and newspapers; received in exchange for the Journal, are placed at the disposal of the committee in the Library for the reading room by the committee on publication. Of the contributions to practical science, the experiments on water wheels, first undertaken, have been laid before the public, but the report is yet incomplete: The investigations on the explosion of steam boilers will soon be submitted to the Treasury Department of the United States, under the direction of which the experiments have been made, and to the public through our Journal. The public mind has been, by a course of melancholy accidents, but too well prepared for the reception of a report by the committee on this subject. The branch of this inquiry relating to the strength of iron and copper has been nearly brought to a close. It has already been reported to the Institute that at the last session of the legislature of our state, the secretary of the Commonwealth was instructed by the House of Representatives to refer to the Managers of the Franklin Institute, a bill relating to weights and measures, and to admeasurement. The committee appointed to consider this subject have obtained from their members an abstract of the proceedings in England, France, and of the reports upon the same subject in our own country; these documents as furnishing valuable matter for the understanding of the subject, will be at once submitted through the pages of the Journal. The committee have reported in part to the managers, and have stated that their labors will require but a few weeks to bring them to a close.

Among the acquisitions made during the year, the collections in Natural History belonging to the Maclean Lyceum have already been noticed. The minerals in this collection are in the hands of the Committee on minerals, who have been engaged in arranging them. The other property will be exchanged for articles more immediately within the scope of this institution.

The Model room on the third floor of the Hall, has been put in complete order by the Committee on Models. The Managers again call the attention of the members to the propriety of making this room the depository for specimens of their skill, the ground work of a museum of practical science.

The success of the exhibition of domestic manufactures held in October last, has been alluded to in the last quarterly report. Since that time the detailed report of the committee on premiums and exhibitions has been received and published in our Journal. The premiums and certificates of honorary mention awarded to successful competitors at the exhibition were publicly presented by the President of the Institute in the Society's Hall. Domestic occurrences led to the disappointment of the Managers and of the Institute in the delivery of the public address which was expected from the Hon. Daniel Webster of Massachusetts. The number of premiums awarded at the last exhibition was 33, and of certificates of honorary mention 48; a reference to the list will show that the committee have been true to their trust in excluding from their awards the influence of local or sectional feelings. The premium for an improved lamp for lighting our streets, which the committee were enabled to offer through the liberality of the councils, has not yet been awarded. The duties of the committee on inventions have rather increased during the past year, and they deserve the thanks of the board for the regularity with which they have discharged them. They have had before them thirty-four inventions either for advice, for decision upon them, or for report. One branch of their duties is yet incomplete, namely the reference to them of the decision as to the successful competitor for the premium for stopping the sparks which issue from the chimneys of locomotive engines, where wood is used for fuel. The committee

have examined the different models which have been submitted to them, and have selected for trial those which they have deemed most likely to be successful; they have further applied to the Philadelphia and Germantown rail road company for permission to make the necessary trials upon their road. In order to remove any source of complaint in relation to their selection of machines for trial, they have informed all the inventors who have offered models for examination, that they will if furnished with the machine at the expense of the inventors, make trial of it.

Fully convinced of the benefits which have already accrued to the community from the labors of this institute, in disseminating information and a spirit of inquiry among the mechanics, your board have sought means by which such usefulness may be increased.

Hitherto, with some exceptions well known to you, the labors of the institute have been directed principally to the instruction of its members, while the community has not in turn been benefitted by the members to the extent which the amount of talent and information possessed by them would warrant the public in expecting. This defect may be attributed rather to want of opportunity than to want of inclination. By our present organization all labors calculated to increase the usefulness of the institution are devolved upon its managers, and a few others who have shown zeal in its behalf, while the mass of its members retire from labor, probably because they have not been made to feel how useful their exertions may be to the public and to themselves.

An experience of ten years has fully tested the wisdom of the organization of the institute as far as regards its fiscal concerns and its economy as a body politic; the organization could, probably, not be improved. Your board are of opinion that such is not the case with the arrangement for the scientific labors of the institution, which can only be benefitted by the co-operation of those whom education, business in life, and habits render peculiarly qualified for the task. Your board in conformity with these views, would ask your consideration of the resolutions that accompany this report; the object of which is to unite the efforts of those members who may be able and willing to take charge of the scientific duties of the Institute.

They propose for this purpose, to create a committee to be called the Committee on Science and the Arts. This committee to be composed of all members who will voluntarily enrol their names and engage to give their services. This enrolment being merely intended as a pledge that the members of the Committee stand ready when called upon to render such services as the Institute may require, which they may be competent to render. The services required will be to take part in committees upon subjects connected with physical science, to examine new machines or other inventions, to discuss such subjects as may be deemed of interest, in the pages of the Journal, and in general such labors as may tend to the dissemination of information connected with science and the arts.

It is believed that there are many of our younger fellow members who having been during some part of the last years in attendance upon the lectures and schools of the Institute, are now ready to repay with interest from their acquired stock of knowledge, the benefits which they may have received. These members will by the plan now submitted, be made known to the society, and the benefits of their exertions gained to the institution.

The Board conclude their report by an exhibit of the number of members of the Institute and of the finances.

On the first of January, 1833, there were attached to the institution 1422 members; during the year there have been added 290 members and 53 have resigned or are deceased. The present number is 1639, of which 137 are life members.

During the present quarter, Messrs. Geo. Jones, Jas. Magee, W. H. Ellis, and Isaac B. Garrigues, have become life members.

The Treasurer's report herewith submitted, shows a balance in his hands of \$1049 57.

ALEX. DALLAS BACHE, Ch'n.

WM. HAMILTON, Actuary.

Resolutions recommended by the Board and adopted by the Institute.

Resolved, That the board recommend to the Institute at their annual meeting, the passage of the following resolutions:

1st. Resolved, That the committee on inventions heretofore appointed by the Board of Managers shall be extended under the title of committee on "Science and the Arts," and that the number composing said committee shall hereafter be unlimited.

2d. Resolved, That the committee on "Science and the Arts," shall consist of such members of the Institute as shall voluntarily enrol their names as members thereof in a book to be prepared for the purpose, and who will by enrolling their names pledge themselves to perform such duties to be hereinafter described, as may devolve upon them, and to sustain by their labors the scientific character of the Institute.

1. It shall be the duty of that committee to hold periodical meetings at the Hall of the Institute, at such times as they may deem expedient, to enact rules for their own regulation, and to appoint a member to preside over their deliberations.

2. It shall be the duty of said committee to examine either as a body, or by sub-committees, all inventions that may be submitted, and to make a detailed descriptive report, giving their opinion with candor and impartiality on the inventions submitted in the manner now practised by the committee of inventions.

3. It shall be the duty of that committee to conduct by sub-committee or otherwise, such scientific investigations as may be deemed worthy of consideration, and to publish the results in the Journal of the Institute.

4. It shall be the duty of that committee by sub-committee or otherwise, to inquire and report into the state of the Arts generally, or into the state of any branch thereof, when called upon to do so, in order to disseminate useful practical information, or historical facts in relation thereto.

5. To that committee shall be confided in general, the Scientific duties which devolve upon the Institution, tending to mutual instruction and the dissemination of knowledge, and which are not specially instructed by the constitution to the officers of the Institute.

3d. Resolved, That the said committee shall be governed in the expenditure of money by the same rules as govern all other standing committees, and it shall not be competent to them to contract any debts, until they shall have been authorized by an appropriation made by the Board of Managers, upon the requisition of the committee.

4th. Resolved, That it shall be the duty of the chairman of the committee on Science and the Arts, to report the proceedings of the committee to the Board of Managers, at least three weeks previous to each quarterly meeting of the Institute, in order that the information therein contained, may be included in the quarterly report: and report to the Institute whenever they are directed so to do.

5th. Resolved, That the chairman of the committees shall be elected annually at the first meeting after the annual meeting of the Institute.

CLEARFIELD.

Several editors of newspapers, we observe, are very punctual in keeping the public informed of the doings in their towns, the improvements making, the public

houses, the increase and advantages of trade, &c. all answering one purpose at any rate—the filling up of their respective papers—which is sometimes an object. Now, we, approving of this, and knowing that our village is not seen by most persons travelling between Bellefonte and Erie; and, at the same time, having not the least desire to keep her "name and fame" from the knowledge of the public, deem it proper that we should say something concerning it at this time. Let it first be understood, that our village is not an incorporated borough—why this is so we are not altogether aware—but we think that before another New Year's day, if the Legislature does its duty, we will have a Town Council and Burgess elected. We therefore need not boast of our municipal regulations; our Town Hall, our Market-houses, public squares, fashionable streets, &c.; yet without all these, we have quite a snug little village, lying at the bases of some half a dozen hills, not so high but you can scan their peaks at one view, all covered with a variety of timber and the soil generally good abounding in bituminous coal and mostly freed from rock or stone, which imparts to our town—lying on a level plain—quite a romantic appearance. The old Indian name of our town, is CHINKLACAMOOSE, and to this day, there live settlers around it still able to relate an account of the occasional visits of the wild man of the woods, with many other reminiscences of "Chinklacamoose," highly interesting and curious to those who know little "the man of the tomahawk and hunting-shirt." There is a small stream, a short distance north of the town, which still retains its ancient name of "Chinklacamoose." On this stream, near its mouth, stands the town Grist-mill, a saw-mill, a distillery, &c. the property of ALEX'N LEVIN, Esq.

The west branch of the Susquehanna, "passes silently" by the town, except in times of high water or the breaking up of the ice, when there is occasionally a *leak* into some of the town lots, or a noise occasioned by loading arks and tying rafts and preparing for a trip on top of the water to market, in order to get a little of the ready money. It contains between 30 and 40 families; the number to a family we don't know, but suppose it is in the same proportion as in most places—has three taverns, five stores, two printing offices, a jail, (we mention the jail in time for fear we might forget it, as the wall which is made by standing sticks of timber on an end—the only way to distinguish it from other buildings—is beginning to give way and in a short time perhaps may not be observed at all)—has a brick court house, Catholic Chapel, and an Academy, together with many other fine edifices not yet built! There are also two tanneries, two cabinet makers, three blacksmiths, a gunsmith, and several shoemakers and tailors, leaving a residue embracing chiefly carpenters squires and lawyers. Upon the whole, we have quite an industrious population—and but little troubled with idlers, commonly called "Gentlemen." And if any call should be made for first rate marksmen, on any emergency, we would beg leave to recommend our townsmen as the best, for the "hide and tallow" of fine large bullocks are frequently won, by three shots, at a centre, thirty-five yards off-hand, the whole requiring not more than three-eighths of an inch of a string from the pin!!

CLEARFIELD TOWN, lies between three and four miles north of the Erie turnpike—deserted, as yet, of any leading road or turnpike; however, roads are now opened to obtain stock to make one from the Snow-shoe turnpike through this place and to intersect the Bellefonte turnpike near Curwensville—the distance between the two villages is six miles. A bridge across the river is building, which, when finished, will be a great inducement to other improvements, and hasten the period when we shall have a turnpike, and with it the line of stages to Erie.

Banner.

* We would recommend to the editor to collect and publish them—ED. REG.

POST OFFICE DEPARTMENT.

January 1st, 1834.

List of Post Offices established, discontinued, and Offices, the names of which have been changed since the 1st of July last; being the date of the last published list of post offices.

PENNSYLVANIA.

		Established.
Adams	Cashtown	
Allegheny	Wilkin's	do
Armstrong	Hornet's Mills	do
Beaver	Little Beaver	do
Berks	Manokesev	do
Bradford	West Burlington	do
do	Rummerfield Creek	do
Bucks	Summerville	do
Centre	Martha Furnace	do
do	Centre Line	do
do	Hannah Furnace	do
Chester	Nottingham	do
do	Pickering	do
Crawford	South Shenango	do
Erie	Harbour Creek	do
Huntingdon	Vineyard Mills	do
Juniata	Walnut	do
Lancaster	Andrew's Bridge	do
do	Coopersville	do
Lycoming	Claffin's	do
McKean	Salt Valley	do
Montgomery	Billigumingo	do
do	Shannonville	do
Northumberland	Bear Gap	do
Washington	Pike Run	do
Adams	Whitestown	Discontinued.
Armstrong	Worthington	do
Centre	Buffalo Run	do
Lycoming	Lycoming Creek	do
Philadelphia	Ariel	do
do	Cedar Grove	do
Pike	Naglesville	do
Warren	Green Valley	do
Washington	Dunningsville	do
Lancaster	Earle	Changed to
	"Blue Ball	

The following MEMORIAL has been signed by many thousands of our citizens, and the subscription is still in progress.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The Memorial of the subscribers—Merchants, Manufacturers, Traders and others, citizens of the Commonwealth of Pennsylvania, residing in the city and county of Philadelphia—respectfully sheweth:

That they are in the midst of unexampled suffering and pecuniary distress. That, instead of relief, they have only a prospect of continued and increasing misery, the severity of which cannot be measured by any thing that has yet occurred. It is confined to no class, but extends to all.

The industrious portion of the community, and especially those who depend upon their daily exertions for the support of themselves and their families, are threatened with extreme want. Upon many of them, indeed, it has come already. The larger channels being exhausted or obstructed, the smaller ones fail of supply; and what in one part of society produces poverty and insolvency, in another (and by far the larger) strips them of the means of providing themselves with food and raiment: or obliges them to become dependent for both upon a scanty and degrading charity.

It is not necessary for your memorialists to enter into details, which in so many ways have come before your Honorable bodies. They offer themselves, in sincerity and truth, as witnesses of the fact, that there is deep

and pervading distress, and they ask of Congress to grant relief.

Your memorialists ask relief from Congress, because they are sure that Congress have the power to grant it. The whole of their distress is to be traced to the disordered state of the currency; and the disordered state of the currency is owing, as they believe, entirely to the removal of the Government deposits from the Bank of the United States. There is no other discernible cause that has contributed in the slightest degree to the present disastrous condition of the country, and every man who is capable of reflecting knows, that this cause is in itself sufficient. Your memorialists, therefore, have no hesitation in saying, that this unhappy measure, and this alone, has suddenly changed the aspect of society, spreading gloom, anxiety, suffering and dismay, where before there was industry, contentment, and cheerful confidence.

The cause of the evil being thus obvious, the remedy becomes plain. The restoration of the deposits to the Bank of the United States will restore the circulation, and in a very short time bring back to us the means of enjoying the bounties of Providence; of which, abundant as they are, we are now deprived. Why should this be denied to us? Why should we be condemned to suffer in the midst of abundance? Why should a measure be persisted in, which helps no class of the community, unless it be those who have money to lend, by enabling them to obtain exorbitant usury, while it is crushing and destroying the industrious?

Your memorialists, therefore, earnestly ask that the deposits may be restored, and relief thus be granted to a suffering people.

GOVERNOR'S MESSAGE

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen—The Messrs. S. & M. Allen, the holders of the loan authorized by the act of the 16th February last, having failed to deposit to the credit of the Commonwealth, according to a requisition made upon them, the last monthly instalment of said loan, I deem it my duty to communicate the fact to the General Assembly, and to request that a temporary loan of a sum not less than \$300,000 may be authorised to be made forthwith to satisfy the creditors of the Commonwealth, and to enable the State to meet its engagements with contractors and others employed in the prosecution of the public works, the said sum to be repaid out of the residue of the original loan above mentioned, as soon as the same can be realized under a new contract, for which proposals will be forthwith issued.

GEO. WOLF.

Harrisburg, Jan. 21, 1834.

APPOINTMENTS.—The Orphans' Court have appointed Messrs. Richard Rush, George M. Dallas, William M. Meredith, William Rawle, Jr. and Jesse R. Burden, Auditors, to settle and adjust the accounts of the Executors of Stephen Girard.

CITY ELECTION, FOR MAYOR—PITTSBURG.

TUESDAY, January 14, 1834.				
	Pettigrew.	Darragh.	Loury.	Total.
N. Ward,	166	139	20	325
E. Ward,	241	118	27	386
S. Ward,	202	91	22	315
W. Ward,	235	137	27	399
	844	485	96	1425

NORRISTOWN.—The Norristown Register of Wednesday, says: "On Thursday last, the twenty-four town lots advertised by John Markley, Esq. of this borough, were disposed of at public sale, for a sum little short of \$4,000. A year since, the value of the entire tract, thus disposed of, was estimated at less than \$1,800.

From the Bucks County Intelligencer.

A STATEMENT,

Showing the two extremes of Farenheit's Thermometer, situated where there was a free circulation of air, and northern exposure, in each month, and the corresponding day of the month;—Also, the perpendicular depth of *Rain*, which fell during the several months of the year 1833—at the residence of J. B. Solebury, Bucks county, Penna.

1833. MONTHS.	Highest 5 P. M.	Day of Month.	Lowest Sun rise.	Day of Month.	Inches of Rain.
January . . .	62°	6	9°	11	3,91
February . . .	51	10	14	2	1,37
March . . .	68	23	*2	3	2,68
April . . .	88	30	34	16	0,85
May . . .	88	19	44	6	7,54
June . . .	84	19	46	4	10,95
July . . .	96	22	52	19	5,30
August . . .	87	15	48	30	7,34
September . .	88	19	38	14	5,49
October . . .	80	17	28	31	11,95
November . .	73	2	20	17	3,00
December . .	50	6	16	28	7,22
* Below Zero.					67,60

Being much the largest fall of rain since I have kept an account.

	Inches.		Inches.
In 1821 there fell	46,00	In 1827	58,00
22	39,00	28	53,47
23	53,30	29	53,13
24	49,70	1830	55,58
25	44,30	31	56,10
26	41,10	32	56,59

50,52 being the average for the last twelve years, 1833 not included.

From the Commercial Herald.

(From the Custom House Books.)

COMMERCE OF PHILADELPHIA.—Arrivals at the Port of Philadelphia, from the 1st of January to the 31st December, 1833, inclusive.

1833.	Ships.	Barques.	Brigs.	Schr's.	Sloops.	Total.
January . . .	7	0	12	35	14	68
February . . .	11	3	30	37	7	88
March . . .	7	1	46	122	28	204
April . . .	11	0	45	220	37	313
May . . .	8	2	70	230	29	339
June . . .	8	7	61	229	25	330
July . . .	14	3	84	252	54	407
August . . .	13	3	49	167	40	272
September . .	4	5	61	209	39	318
October . . .	8	3	52	183	38	284
November . .	7	2	41	171	34	255
December . .	3	5	37	95	26	166
Total . . .	101	34	291	1950	371	3047

Arrivals and Clearances.

American Tonnage entered from foreign ports in the fourth quarter of 1833.	14,485 72
Foreign Tonnage entered from foreign ports, in the fourth quarter of 1833.	5,684 20
American Tonnage cleared for foreign ports, in the fourth quarter of 1833.	14,451 31
Foreign Tonnage cleared for foreign ports, in the fourth quarter of 1833.	4,591 01

The following is a statement of the number of bushels of Grain, salt (coastwise,) and Coal, discharged at the port of Philadelphia, for the year 1833:—

627,654	bushels Corn	9,890½	bush. Flaxseed
156,255½	do Wheat	378	do Beans & Peas
77,302½	do Rye	63,971½	do Salt
45,769½	do Barley	180,145	do Coal.
94,454½	do Oats.		

GEORGE M. HECKMAN, Measurer.
U. S. Gazette.

January 1, 1834.

From the Commercial Herald.

FLOUR INSPECTION.—Amount of Flour and Meal inspected for the Port of Philadelphia for the year ending 31st December, 1833:

Wheat Flour . . .	378,590 barrels.
do do . . .	22,725 half do.
Rye Flour . . .	40,011 barrels.
Corn Meal . . .	40,415 do.
do do . . .	7,549 hhds.
Middlings . . .	2,577 barrels.

B. DAVIS, Inspector.

Jan. 6, 1834.

COMMERCE OF PHILADELPHIA.—The following we have ascertained is the amount of tonnage employed in the coasting trade, entered at the Custom-House, in the fourth quarter of 1833,*—23,982,31 tons. Of this, the principal arrivals were from the following ports, viz:

77 . . .	from . . .	New York
34 . . .	do . . .	Baltimore
30 . . .	do . . .	Boston
10 . . .	do . . .	New Orleans.

* In addition to the above there was a large number of coastwise arrivals in the fourth quarter of 1833, not required by law to be entered at the Custom House.

BARK.—The Inspector of Bark has politely furnished us with the following statement of the quantity of Bark, inspected in 1831, '32, and '33, viz:

1831	3975	hlds.	6	tierces,	137	brls.
1832	2235	"	3	"	159	"
1833	3414	"	1	"	169	"

JOSEPH S. RILEY, Inspector.

THE REGISTER.

PHILADELPHIA, FEB. 1, 1834.

The navigation of the Delaware has been interrupted this week by floating ice—and the Schuylkill has been closed. The weather is now more moderate, and probably those obstructions will soon be removed.

We are indebted to a friend at Washington for a pamphlet copy of Mr. Binney's speech, which will be inserted, after the document commenced this week, shall have been concluded.

From Mr. Miller we have received the fourth report of the Commissioners on the Revised Code, to the Legislature.

HISTORICAL SOCIETY OF PENNSYLVANIA.

A Quarterly Meeting of the Historical Society of Pennsylvania will be held at the Philosophical Hall, over the Athenæum, on Monday evening, the 3d instant, at 7 o'clock. The attendance of the members is particularly requested.

J. R. TYSON, Sec'y.

February 1st, 1834.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 6. PHILADELPHIA, FEBRUARY 8, 1834. NO. 318

MUNCY AND MONROE TURNPIKE ROAD COMPANY.

Report of the President and Managers to the Stockholders of the Muncy and Monroe Turnpike Road Company.

The Muncy and Monroe Turnpike Road Company originated in an act of the Legislature, passed February 23, 1831, which authorized the Governor to grant a charter to the company as soon as 150 shares of the stock at \$20 each should be taken. A subscription to the amount of 20,000 dollars was authorized, and the Company were required to commence the work within three years after the passage of the act and to complete it within eight years thereafter. The whole amount of \$20,000 has not been subscribed; but 274 shares amounting to \$5,480, which is more than the amount required by the act, having been taken, the charter was granted July 16, 1832, and on the 28th day of August following the company was organized.

The first object of the Managers was to locate the road in the performance of which duty they regret that they have found some difficulty, not in the choice of a feasible and eligible route, but in giving satisfaction to those differently interested. A route under the authority of the state, had been surveyed and located at much expense, by Messrs. BRINDLE, ELUREN, and MASON, Commissioners appointed by the Legislature. All three of these gentlemen being officers of the Company, and the last named a Manager, it would seem to be inexpedient to incur the expense to the Company of another survey, because the route selected by these gentlemen, who had undoubtedly discharged their duty in making examinations, could be adopted with perhaps a few alterations, which could be made without expense when the contractors should commence the work. But some of the stockholders appearing to feel a great desire that the road should pass through Hughesville, and the Managers being willing to gratify them if possible, authorized at their first meeting a survey of that route; which was done, and all the Managers, except one, proceeded to examine the route which had been proposed and surveyed. The result was an unanimous opinion of the Managers that part of the route was impracticable, and it was therefore, abandoned. But with a hope of finding another route passing through Hughesville, more eligible, they formed two parties and separated, each party exploring a new route. And after a full examination, and finding all the routes unfavorable, a majority of the Board agreed to adopt the route of the State road, selected by the Commissioners, with such alterations as might be found necessary or proper for the purpose of avoiding steep ascents and obtaining better ground. The President and Managers, however, have the satisfaction of assuring the Stockholders that all the difficulties attending the location, and which were the consequences thereof, have passed away without injuring in the least degree the prospects of the Company.

It being evident that the funds of the Company were not sufficient to complete the road, the Managers have not prosecuted the work with as much vigor as they would desire, and as they would have done under different circumstances. Two contracts, however, have been made, one for making half a mile covering a part of the

most difficult section of the road, at \$1 40 per rod, or at the rate of \$448 00 per mile. The other contract is for making a quarter of a mile at \$1 31 per rod, which is at the rate of \$419 20 per mile. The contractors for the first half mile have commenced work, and have progressed so far that they will be able to complete it in a few weeks after the season for operations of this kind shall open in the spring, at which time the Managers are resolved to prosecute the work, by entering into new contracts for making the road, as extensively as the means of the Company will warrant, relying upon the public spirit, the enterprise, and the intelligence of the people, to make up the deficiency in the funds of the Company.

The Managers confidently believe that public attention cannot fail to be directed sooner or later to the importance of constructing this road. It lies almost on a direct line from Washington city to the northern lakes, and the Allegheny mountain, if, where the road will pass, it may so be called, scarcely presents an impediment to its general utility. With a view of making public the advantages which this route presents, the Board deem it proper to give a short description of it, the facts of which were obtained by the survey which was carefully made. It follows:—

The ground from Muncy to Webster's is firm and hard, of an excellent quality for making road. Between those places it passes over some gentle undulations, but no hill worthy of being noted. The ground is generally rising but almost imperceptibly for eleven miles to the foot of the Allegheny. The southern side of this hill is passed in the distance of one mile, at an ascent of four and a half degrees from a horizontal line. Passing the summit of the mountain, a distance of two and a half miles, the descent of the north side gradually begins, but which descends generally at about the same degree as its southern side. The route then strikes the flats of the Ogdonian creek, a branch of the Loyalsock, and pursues a level route, with few immaterial exceptions, to the foot of Lick hill. It ascends this about 80 rods at five degrees, and the rest of the hill, about three quarters of a mile rises at four degrees. From the summit of this hill, it is five miles, the whole distance almost level to the foot of Burnet's ridge. This is the most considerable hill on the whole route, but the south side is overcome in a distance of three quarters of a mile, at an ascent of five degrees. From the summit North the route descends gradually from one to two degrees, scarcely to be perceived, a distance of two and a half miles. Then it descends to Mill stone run, a mile and three quarters, varying from two to four, and in some short distances to five degrees. From Mill stone run it is seven and a half miles to Monroe Corners, nearly level the whole distance.

From an examination of these facts, which have been obtained by an examination of the ground, by the President and Managers, it will be found that there are only three points, where there are any material deviations from a level road—the Allegheny, Lick hill and Burnet's ridge, and that the road will pass them at so trifling an elevation that they form no objection to the road. In the whole distance from Muncy to Monroe, there are only 400 rods or one mile and a quarter, which deviates five degrees from a level; and about two miles and

three quarters which rises four and four and a half degrees. All the rest is less than four. By applying mechanical principles, as now settled and approved by those who understand the science, to this road, which before the road is made, will be the only means of ascertaining its feasibility and utility, it will be found that no greater loads are drawn over the best level roads in this part of the country, than can be drawn over this by the application of the same power. To go into a mathematical calculation of the weight which a span of horses can draw over the worst parts of this road will require some little time and trouble, and will be entering a field not usual in estimating the advantages and disadvantages of a common turnpike road. But we believe it would be better for the country if it were done in laying out all common roads, because the ascent which is admissible on any road over which loads are to be drawn, may be accurately ascertained by well settled principles. We are induced to do it in this case for the purpose of proving to the satisfaction of every reader, that whatever obstacle the Allegheny may present at other places to the formation of a good road, it really presents none here. The formidable mountains which the traveller encounters between Berwick and Towanda, here dwindle into ordinary hills.

It is said that the average draught of a horse going at the rate of two and a half miles per hour is equal to raising 150 lbs. suspended over a pulley. It has, however, been estimated much higher, and some of the best informed upon the subject place it as high as 200 pounds, and this is still less than others have placed it. The friction at the axle of a wheel has been ascertained to be equal to one fortieth part of the load, and a wheel is propelled at a mechanical advantage, equal to the ratio of the diameter of the wheel to the diameter of the axle. In ascending the slope of a road, the load, or rather the resistance to the progress of the carriage, increases as the degree of ascent increases. That portion of the load which would be represented on a quadrant by the sine of the angle of inclination, is to be added to the actual draught of the horse, supposing it to be suspended over a pulley. To make this principle still plainer, we will express it differently:—between a horizontal and a vertical line, there are ninety degrees. It may be divided into as many parts as may be desired, but for purposes of practical convenience a quarter of a circle has been divided into ninety parts, called degrees. If the horizontal line be raised one degree, the vertical line of the quarter circle, is thrown one degree from its vertical position, and as that one degree is to the ninety degrees of the quarter circle, so is the increase of the resistance to the load. That is, where the inclination is five degrees, the horse must actually lift five-ninetieth parts or one-eighteenth part of the load; whereas before the carriage began to ascend, the resistance was only the friction and the inequalities of the road. Common wagons will weigh about five hundred pounds; the diameter of the fore wheels are three feet eight inches, the hind wheels four feet eight inches. The axles of both are about four inches. The friction then, according to the foregoing rules, at the fore wheel, amounts to one in 440, and at the hind wheel, to one in 560, the average of which, will be one in 500. That is, a horse must exert the same power to overcome the friction at the wheels of a common wagon, weighing with its load 500 pounds, that he would to draw one pound fastened at the end of a string, and suspended over a pulley. So that on a perfect level road, where there is no other resistance than the mere friction of the wheel, one horse will draw, on such a wagon, 33 tons and a fraction over, estimating his power at 150 pounds. This is vastly more than is commonly drawn on the best level turnpike roads, because there are other deductions to be made besides the friction at the axle. Small stones against which the wheels are continually coming in contact, and the penetration of the wheels into the ruts of the road form by far the greatest part of the resistance. It

is estimated that 143 parts of the power of a horse is expended in overcoming these obstacles on the most favorable level road, so that only seven pounds of a horse power is exerted against the friction of the axle in propelling a wagon. There is, however another material fact which is to be taken into consideration. A horse does not continually exert his whole strength, but the estimate of his power, is made upon the supposition that so much of it is to be continually exerted for eight hours in a day, and is made with direct reference to what the horse is able to bear without injury. His average power, as we have before stated, is sometimes rated at more than 200 pounds. What the maximum strength is we do not know, but from what we every day see, we must conclude that it is far above such a draught as he would be able to bear, without injury, eight hours a day. Some writers rate the power of a horse at 240 pounds, when the horse is used six hours in a day, and goes a little less than two and a half miles an hour—but even this must fall far short of the absolute power of a common horse. But as we desire to be within, rather than beyond the truth, in any calculation we may make, with reference to this road, we will not go beyond 200 pounds as sometimes rated for a horse power, to be exerted eight hours in a day. Over many of the roads in this country, a common team of two horses draw only from 15 to 18 cwt. and few go above 15 cwt. and then only when two or more teams are in company so that in going up some of the hills they can assist each other, by doubling teams. We are not acquainted with any road, except for short distances, where the average load of an ordinary team, exceeds one ton besides the weight of the carriage. On this road we will suppose that 3000 pounds, that is, a wagon weighing 500 pounds loaded with 2500 pounds is to be dragged by two horses over the most difficult ascent on this road, which rises five degrees above a horizontal line. One-eighteenth part of this load, or 166 and 2-3 pounds are to be lifted by the horses. The power then which will be necessary to drag the load up this ascent, at the rate of two and a half miles an hour, may be estimated thus,

The usual inequalities of the road	143 pounds,
Five degrees of ascent 166 $\frac{2}{3}$ say	167
Friction at the axle	6
Total	316

Thus it appears that this falls 84 pounds short of many of the estimates of a two horse power, 400 pounds; so that it requires no unusual exertion of power for two horses to drag a greater load over the worst part of this road, than is usually taken over the Berwick turnpike only by means of doubling teams. This excess of 80 pounds is sufficient to move at the same speed, on a level road, where there is no other resistance than the friction of the wheel, a friction more than 18 tons, and on a common level road, with the usual resistance added to the friction, 1680 lbs. This excess may be applied to increasing the load or the speed, the last of which, we think, could be rated on this road at thirty miles a day. The very great advantages, therefore, of this road must, we think, be apparent to every one who is acquainted with the condition and character of the principal roads in this section of the state.

By comparing this route with others leading North and South, it is found that distance is against all the other routes, and in favour of this. If this turnpike were completed it would inevitably take the whole of the Northern and Southern travel. By drawing a line from Washington City to Geneva, in the state of New York, a point at which the routes unite, it will be found that Towanda and Muncy lie nearly on a line, and also nearly on a straight line from Washington City to Sackett's Harbor, on Lake Ontario. The great inland route, from North to South, must always pass through the great valley of the Susquehanna which will always secure to this route a decided advantage. From North-

umberland there are three routes besides this which unite again at Geneva, the shortest of which is by the way of Williamsport and Elmira, and is 7 miles longer than this route, as will be seen by the following table of distances:

Elmira Route.

From Northumberland to	
Williamsport the distance is	40 miles.
Elmira	76 "
Geneva	60 "
Total	176

Berwick Route.

From Northumberland to	
Berwick	33 miles.
Towanda	58 "
Ithaca	50 "
Geneva	42 "
Total	183

Owego Route.

From Northumberland to	
Wilkesbarre	61 miles.
Owego	78 "
Ithaca	29 "
Geneva	42 "
Total	210

Muncy Route.

From Northumberland to	
Muncy	26 miles.
Towanda	50 "
Ithaca	50 "
Geneva	42 "
Total	168

With a view of these facts, the advantages of ground presenting a good soil with slight ascents, and being the shortest route, scarcely a doubt can exist that a well made road connecting Towanda and Muncy, will secure the whole of the travelling which is continually ebbing and flowing from North to South. At present the Northern and Southern travellers are forced to go 240 miles out of their direct course by the way of New York. Can the idea be entertained a moment that any one prosecuting his business, would choose to travel 565 miles for the purpose of going 325? If this road were completed, the whole of this travelling would be secured to this road, which has one half less land carriage than the New York route. Those who have passed from Washington northward, by the way of New York, may easily conceive how the number of passengers would be swelled upon this road. But if we should be disappointed in this estimate, and we should have only one half of the business and one third of the pleasure travelling, which now passes by way of New York, there can be no doubt that the stock of this company would be as good as the stock of the great Philadelphia and Lancaster road, so that instead of sinking the capital vested, as has been done, in the attempt to climb the mountains between Berwick and Towanda, it would yield a reasonable profit.

To the inhabitants in the vicinity of this road, and at each end of it, there are other considerations, which should force their attention to its early completion. By a reference to the map of Pennsylvania, it will be seen at a glance, that the nearest points at which the North and West Branches approach each other, are at Muncy and Towanda; and the completion of the road would immediately open an immense trade, of which Towanda and Muncy would become the depots. The plaster and salt of the North would be exchanged in large quantities for the iron and lime of the South. We have all

witnessed the immense exchanges of these articles that are continually made between Williamsport and Elmira, with the present almost impassable condition of that road. The inhabitants of Williamsport are not looking to this quarter for their supplies of salt and plaster, but Elmira is sixteen miles more distant from them than Towanda, and as soon as the Owego and Ithaca rail road shall be completed, which event is expected the ensuing summer, those articles can be obtained cheaper at Towanda than at Elmira. Is it not certain then that the whole Northern trade of Williamsport would inevitably take this channel as soon as a good road be opened. It will not be less certain because their attention has not been directed this way. Commerce is always controlled by interest; and if the inhabitants of Williamsport could obtain their supplies of salt and plaster at a less price by going 59 miles for it instead of 75, they would leave their accustomed channel and take the new one. The saving to them, in the transportation alone, would be about equal to \$3 00 per ton.

In conclusion, the President and Managers deem it proper, not only to urge these views upon the stockholders, but to urge them individually to perseverance, in impressing upon the community the importance of this road, not only as a means of facilitating the continued intercourse between the North and South, which will eventually be effected by means of this road, but as a means of promoting their own interest and convenience. In comparison to the importance of the object to be accomplished, the expense of its construction is a mere trifle, and the means of the country abundant. We are confident that nothing is wanting but a proper understanding of the value of the improvement, and the true interest of the inhabitants in its vicinity, to find public spirit and enterprise roused, and a sufficient amount of funds invested to complete the work without delay.

By order of the Board,
E. D. J. ELDRD, President.

From the Philadelphia Gazette.

PROCEEDINGS OF COUNCILS.

Friday evening, Dec. 6th.

SELECT COUNCIL.

In the absence of the president, Mr. Groves was called to the chair.

Mr. Worrell presented a petition from the Board of Trustees of the Methodist Episcopal Union Church, praying for the erection of a patent reflecting lamp, in front of their church, in Fourth street, near Arch. Referred to the Select Committee appointed on a similar application from the Fifth Baptist Church.

Mr. Lippincott asked and obtained leave to read in his place a bill, entitled a "Supplement to an Ordinance for appropriating the sum of \$10,000 from the income of the Girard Estates, for the improvement of the city property on Schuylkill." The bill provides that the further sum of \$5000 be appropriated from the same fund, to be devoted to defray the expenses of paving. Mr. L. in presenting the bill, remarked, that from the late appropriation of \$10,000, the sum of 600 had been set apart for paving expenses, which had not been found sufficient. This bill was read three times, passed, and sent to Common Council for concurrence.

The Committee on the Girard Lands, out of the county of Philadelphia, made a report in relation to the situation of Girard Lands in Erie county, accompanied with a letter from George A. Elliott, Esq. of the town of Erie, agent for the lands under Mr. Girard.

The letter communicated information that the Girard property in Erie county, consists of 5700 acres of excellent land, situated about 25 miles from Erie, and six from the lake shore. Previous to the death of Mr.

Girard, Mr. Elliott had contracted for building a grist-mill on the premises, but that event dissolved the contract. The land is of the first quality for grazing, but has not been improved, except in one or two places, which has been taken possession of by squatters. Mr. E. further stated that there are taxes for 1832 and '33, to the amount of \$265 99, due and unpaid on the lands.

To the report were appended two resolutions, empowering the committee to employ an agent to take charge of the lands in question, who shall be allowed a fair compensation, and directing the Board of Commissioners of the Girard Estate, to pay to the order of Mr. Elliott, the amount due for taxes, together with five per cent. commission. Both resolutions were adopted.

The Committee on Girard Lands, to whom was referred an item of unfinished business, in relation to the Boudinot lands, made a report on the subject, recommending that application be made to the Legislature, for permission to sell the lands bequeathed the city, by Elias Boudinot, of Mount Holly, N. J. and that the proceeds be applied to the purposes named by the testator. A memorial to the legislature was appended. The bequest of Mr. Boudinot, consists of a tract of unimproved land in Centre county, which has proved entirely unavailing as a source of revenue; the proceeds were directed by the testator to be used for the purchase of fuel in the summer season, which should be sold to the poor during the winter at a low price.

Select Council passed resolutions directing the memorial to be forwarded to the legislature, and instructing the City Solicitor to append thereto a copy of the will of Mr. Boudinot.

The ordinance providing for the appointment of Joint Standing Committees, was received from Common Council, amended, in which amendments the Select Council concurred, by a vote of 5 to 4, and the bill was finally passed.

COMMON COUNCIL.

A petition was presented from sundry citizens on the Schuylkill Front, praying that measures may be adopted to prevent the violation of the Sabbath that now occurs in that neighborhood below Walnut street. Referred to Committee on Police.

A petition was presented from Thomas and George Truman, stating that they have invented an improved reflecting Lamp, and pray that Councils will appoint a committee to examine its merits. Referred to a select committee, consisting of Messrs. Wright and Byerly of the Common Council, and Messrs. Worrell and Price of the Select.

On motion of Mr. Chandler, Council entered on the consideration of the Ordinance establishing a new Police for the city. On motion of Dr. Huston, Council resolved itself into a committee of the whole, Dr. Schott in the chair. The question being, shall this Ordinance pass a third reading—

Dr. Huston moved to strike out certain words from the enacting clause. He said, in making a motion of that kind he would not disguise that if it prevailed, he would follow it up with other amendments which would totally change the character of the whole bill.

A message from the Select Council here interrupted Dr. Huston's remarks, and before he resumed, Mr. Troth rose and stated, that as it appeared Dr. H. had come prepared to offer objections in detail to the bill, it would perhaps be acceptable to the friends of the bill, if he would freely express his objections, without attacking it by slight amendments, whose tendency could not well be seen, unless the mover of them chose to explain—that the friends of the bill entertained great respect for his (Dr. H's) opinions on the subject, and did not doubt, in case he succeeded in defeating the present bill, that he was prepared to offer as a substitute one which should be abundantly better.

Dr. Huston said in reply—After the invitation from the gentleman on my right, (Mr. Troth,) I will endeavour to explain to the committee the considerations which induce me to object to the passage of this bill. In the first place, Mr. Chairman, I will not conceal from you that I object to the bill entirely. It is based on the London system of police, a system which is altogether inapplicable to the city of Philadelphia. Our population is very far from being of the degraded character of London, and we do not, therefore, need the force and compulsion which is necessary to keep the population of that city in order. Besides this, the London system is inadequate to the purpose intended, though elaborate and highly expensive. It is contended that our watchmen, as at present organized, have too much ground to pass over in their nightly rounds; yet the bill before us, instead of narrowing the circuit, actually extends it. We have now 107 beats—yet your bill reduces them to 100; how then if the present system is defective, as it is acknowledged here as well as every where else, can the new plan be better? It is in reality worse. You have reduced its extent to get rid of the expense. But I would have you bear in mind that the system you now propose, is eminently defective and inefficient, unless carried out to its utmost extent. The striking off of seven beats must be a temporary affair—for as the defects of the new plan will be apparent, even to its friends, the moment it goes into operation, those beats must be added, while their number will be constantly increasing with the growth and expansion of the limits to be watched. What then becomes of the saving it is now alleged will accrue? I admit the present system is exceedingly bad. The city is in reality not watched by night, and during the day it is left to take care of itself. The duties of the watchmen are so mixed up with others as to be for all useful purposes, entirely nugatory. There is no scouring of alleys and bye streets during the day, as there should be, and in the evening, until watch hours, the city is without a solitary guardian; and that too, when its quiet is so frequently disturbed by collections of unruly boys at various points, and when unprotected females, whose business compels them to walk alone after night fall, are liable to be insulted in the streets.

The great evil of the present system is this. You make the watchman light his own lamps; that occupies him two hours at least; it is a laborious and fatiguing duty, and, added to the exhaustion already produced by the ordinary occupations of the day, rendered necessary for the support of his family by the inadequacy of his wages, when the hour of duty arrives, his system is so much exhausted that it is matter of no wonder if he is found sleeping in his box. It is indeed too much to expect human nature to bear up for the whole night after such heavy draughts upon its powers. The practice of calling the hours is a certain warning for thieves when to begin and when to cease their depredations. At the approach of daylight again, your watchman puts out his lamps and quits his post. It will be found, I will not hesitate to say, that more robberies are committed in this interval, than at any other time. Let the system be remedied by giving the watchman plenty of wholesome rest—give him time and help—pay him well—let him be excused from lighting his lamps, as well as putting them out. They should burn out of themselves, as they do in other cities, he would stay on his beat until broad daylight. The loss of oil would not be great. Have also a day watch. Let them walk about all day, and quell riots, as well as prevent them in the evening, make them responsible for their respective districts, which being small, will always be kept quiet. These modifications will enable us to employ a better and more intelligent class of men than we have heretofore been obliged to confide in.

Mr. Chandler addressed the committee in reply.

It is true, Mr. Chairman, that the bill before us is in a great measure a copy of the London Police system,

and if it be an elaborated one, it is proper that it should be so, because it is intended, like its prototype, for the care and regulation of a great city. So far from its being found inadequate, it is highly esteemed, and the citizens of London cheerfully yield to the enormous additional expenses which its introduction imposes on them. To the activity and usefulness of the London day police, the newspapers offer us continual evidence. The system, there, is extended and expensive, here, it would be lessened, because our limits and population are smaller. Great cities are admitted on all hands to be *great sores*; we should therefore (and I beg pardon of the gentleman who has addressed the committee, for interfering in the smallest way with his profession) make the *plaister* in proportion. We have nothing to do with their extensive details. The expense of the system is the only objection with me, and that I do acknowledge is "a rock of offence." The plan is beautiful—and if I could by any means be prevailed upon to reject it, I must say that will be only because our "poverty, and not our will consents." The mere presence of a day police will prevent, not quell a riot. Expense is inseparable from a system so perfect as this. If we do take seven men off, and leave a bare hundred, we keep our men on duty *all the time*. The gentleman offers us no better plan—no digested system, nor a cheaper one. I am prepared to stand by this here, as well as elsewhere. All I have to urge is this, that we do not patch up a bad system when the cost of the patch will buy us a new coat.

Mr. Troth said that the will of Stephen Girard made it absolutely obligatory on Councils to legislate on this subject, and there could be no doubt but the time for such action had arrived. He thought they ought not to strike from the spirit or letter of the will. The income of the Girard estate, say in two years from this, would unquestionably be \$130,000. Now it was small, because heavy improvements were in course of completion. After all allowances, there will be abundance left to build up a Police System every way worthy of the will. Dr. Huston offers no substitute for the plan before us. What then shall we do? Shall we wait for him? I say proceed. A few small alterations will remove all difficulties. The present system is so bad that it cannot be mended—we must have an entirely new one. The watch-boxes must be taken out of the streets. Let us not postpone the subject. I am not afraid to support this plan, though it involve a cost of \$45,000.

Dr. Huston rejoined. He said he was disappointed in seeing himself thus opposed; nothing but a sense of duty would have induced him to persist in a chance of being again left in a mortifying minority, as had been so often the case with him. He washed his hands of the bill. The people look to Councils for a reduction of taxes, and we should carry out the will in so reducing them. He believed Mr. Troth in error as to the income of the Girard estate; his estimate was only \$60,000, even when the great square was finished and rented. Yet \$10,000 more than we now spend for police purposes, is to be spent out of this \$60,000. The system *must* be increased in six months so as to swallow up all the income, and so exclude the reduction of taxes.

Mr. Troth explained, and the question being put on the amendment proposed by Dr. Huston, it was rejected, there being but one vote in support of it.

—
Thursday evening, Dec. 12th.

SELECT COUNCIL.

The President submitted the following communication from the City Commissioners—

The City Commissioners, in compliance with a resolution of Councils passed on the 11th April last, requiring them to report to Councils at their first meeting in December annually the number of dwellings, stores, and

public buildings erected within the City proper, during the season, respectfully submit the following report.

It appears from the Register of permits granted for placing building materials, that the whole number of new buildings of every description erected within the bounds of the city proper, during the past season, has been four hundred and ninety-two.

These buildings are of the following kinds, in

Three story dwellings,	286
Four story dwellings,	26
Two story dwellings,	33
Four story stores,	59
Three story stores,	11
Two story stores,	2
One story store,	2
Two story shops,	4
One story shop,	2
Three story factory,	1
Two story manufactory,	1
Churches,	5
Three story public school house,	1
Stables,	6
Malt house,	1
Two story coach house,	1
Four story back buildings,	2
Three story back buildings,	21
Two story back buildings,	24
One story back building,	4

Total, 492

The President presented a communication from the City Commissioners, submitting a statement in relation to various appropriations which had been overdrawn. Referred to the committee on Finance.

The President presented a communication from the Managers of the Will's Hospital, asking for the use of one of the Council chambers for a place of meeting for the Board. Referred to Committee on City Hall and State House.

Mr. Eyre presented a memorial signed on behalf of seventy members of the Washington Fire Company, and by a number of citizens not firemen, praying for the erection of a Fire Bell in the south-western section of the city. Referred to the Committee on Fire Companies.

Mr. Price offered a resolution, that the architect and superintendent of Girard College Buildings, be directed to prepare and submit to Councils, two drafts and descriptions of the said buildings, and also reports in duplicate, showing what progress has been made in the erection thereof, and the present state of the work which was adopted.

On motion of Mr. Groves, the following resolutions were called up and adopted:

Resolved, That it is expedient to make the Schuylkill Permanent Bridge a free bridge.

Resolved, That a memorial be transmitted to the Legislature of this State, requesting them to take the necessary measure for providing for the appointment of such number of disinterested persons as they may think proper to appraise the said bridge, and determine the value thereof, agreeably to the provisions of an act entitled "an act to authorise the Governor of the Commonwealth to incorporate a company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia."—Approved, March 16, 1798.

Resolved, That the memorial, and a copy of the foregoing resolution be signed by the President of the Select and Common Councils, and forwarded by them to the Speaker of the Senate, and Speaker of the House of Representatives, requesting them to lay the same before the bodies of the Legislatures, over which they respectively preside.

Mr. Groves called up the ordinance in reference to proposed improvements in Franklin Square, which, at

the suggestion of Mr. Eyre, was referred to the Committee on Public Squares.

Mr. Groves offered a resolution that the clerks be authorized to arrange the papers, resolutions and reports, which have been acted upon by the present, or any former Councils, and label them so that they may be conveniently referred to.

On motion of Mr. Meredith, the resolution was amended, by further directing the clerks, to prepare a digest of the city ordinances passed since the date of the last digest, and of the acts of the State Legislature, in the same period, referring to the city, and that they be allowed a reasonable compensation for their services.

The resolution, as amended, was adopted.

COMMON COUNCIL.

The Committee to whom was referred the subject of establishing an asylum for lost children, made report that such an asylum was already established by the Provident Society, in South alley, into which between two and three hundred lost children have been received annually, and restored to their friends. Committee discharged.

Mr. Toland, from the Committee on Accounts, presented a report, recommending the addition of another member to the Board of City Commissioners, accompanied by an ordinance to that effect, which was read twice and ordered to be printed.

Mr. Chandler called up the ordinance establishing a new police.

Mr. Gilder said, I am not prepared, Mr. President, to vote on this bill, and I believe that many other gentlemen are equally unprepared. I cannot make a set speech upon the question, even if it were necessary, or if I had any desire to launch out upon a topic which has been so fully commented on. But I am not prepared to swallow up the whole of the Girard income at once, by establishing this police system. It now amounts to only \$45,817, and this police bill will require an expenditure of that sum, in addition to what we now spend upon the present system. The whole subject has been too hastily gone through, and is too closely pressed on us for an immediate decision. We should have more time; neither we nor our constituents are prepared for so large an expenditure of money. I move, sir, that the bill be indefinitely postponed.

Mr. Chandler replied,—

I rise, Mr. President, quite as much unprepared to make a set speech as the gentleman who has just sat down; and I beg leave moreover to assure him that the horror which he entertains of voting away the public money, is not a whit holier than that which I myself entertain. His appeal to us for more time to consider the merits of this bill, would have carried a more gracious appearance with it, had he not endeavored to put a stopper on the whole affair by the motion he has just made. No matter how great may be our desire to economise agreeably to the imperative suggestions of the gentleman, he ties our hands from what we would willingly do, by endeavoring to thrust the bill out of the house, where it will be quite beyond the reach of any economical amendment. If we are to be reproached with want of thrift and prudence in the appropriation of this money or indeed of any other money committed to our keeping by the citizens of Philadelphia, let us at least have the chance of retrenching; let the subject be discussed in such a way as to afford us an opportunity of doing much good with a little money: do not throw the matter wholly out of our hands by a proceeding so summary as this. But remember, sir, that the object now in contemplation is an especial recommendation of the will of Stephen Girard, and by no means so entirely within our discretion as the gentleman seems to suppose. We were last week told that in two years from this the income of the Girard estate would be \$133,000—yet the gentleman now says the whole income will be swallowed up, having assumed it to be no more than about

\$45,000. If we suffer the subject to pass away now, it is gone altogether; and on the evils of such a result, I am certain that I need not enlarge. Our streets are outraged in a way that I am confident might be prevented. Talk of this bill increasing our taxes!—the objection is futile—let a store be broken open and robbed a quantity of goods, and you will hear how heavy that *tax* is. The bill has not been hurried through—it came up leisurely, and has been banded about from committee to committee, and from meeting to meeting, and yet gentlemen tell us they are not prepared to vote upon it!—The outrage in Washington street last night, is of itself enough to prepare them to vote—for it was an outrage disgraceful to the police of our city. If the bill is really bad, let us remedy it, not reject it altogether.

Dr. Huston rose in reply—

It is highly necessary, Mr. President, to decide this question: We must take this bill altogether, or reject it altogether. I must be allowed to say that I will give my vote for the rejection. The originator of the bill himself confessed that it was a mere experiment, imperfect in its details, and that he would not be responsible for the inaccuracy of its operations. Who then does the gentleman on my left (Mr. Chandler) expect to father it? Surely not us, who cannot agree even upon its outline. I repeat it, that we have now 107 beats; you reduce them to 100, and thus materially lengthen the round of the watchman. Gentlemen whose opinions are entitled to high respect assert that it is a mere experiment. I go further, and say bluntly that we have not the money to spare. I hold in my hand an official statement, of the Girard income, and it amounts to only \$78,000, out of which some very heavy items are to be annually paid. Your bill calls for \$56,000 more than we now spend. I admit it is an especial object of attention in the will of Mr. Girard, but it is by no means the only one, neither is it fair for gentlemen to say that we can improve the police, in no other way than by adopting this bill.

The question being taken to postpone indefinitely, it was lost, and the bill was finally lost by council refusing to pass it to a third reading. A new bill was then introduced, the object of which was nearly similar, which was read three times and passed, by the following vote:

Ayes—Messrs. Byerly, Chandler, Firth, Lancaster, McMullin, Montelius, Robins, Smith, Schott, Troth, Warner, Wright, White—13.

Noes—Darragh, Gilder, Hutchinson, Huston, Kirk, Toland, Yarnall—7.

DOCUMENTS RELATING TO THE REMOVAL OF THE DEPOSITS.

Reasons of the Secretary of the Treasury.

(Continued from page 74.)

It will, I presume, be admitted on all hands, that the bank was incorporated in order to create a useful and convenient public agent to assist the Government in its fiscal operations. The act of incorporation was not designed merely as an act of favour to the stockholders, nor were exclusive privileges given to them for the purpose of enabling them to obtain political power, or to amass wealth at the expense of the people of the United States. The motive for establishing this vast monopoly was the hope that it would conduce to the public good. It was created to be the agent of the public; to be employed for the benefit of the people; and the peculiar privileges and means of private emolument, given to it by the act of incorporation, were intended as rewards for the services it was expected to perform. It was never supposed that its own separate interests would be voluntarily brought into collision with those of the public. And still less was it anticipated that it would seek, by its money, to obtain political power, and control the action of the Government, either by the favors it can shower, or the fear of its resentment. Its duty was simply that of an agent, bound to render cer-

tain services to its principal, in consideration of the advantages granted to it. And, like every other public agent or officer, its own separate interests were subordinate to its duty to the public. It was bound to consult the general good rather than its private emolument, if they should happen to come in conflict with one another. If, therefore, it sought to obtain political power, or to increase its gains by means which would probably bring distress on the community, it violated its duty, and perverted to the public injury, the powers which were given to be used for the public good. And, in such an event, it was the duty of the public servants, to whom the trust was reserved, to dismiss it, so far as might lawfully be done, from the agency it had thus abused.

Regarding the bank, therefore, as the agent of the United States, and bound by the duties, and liable to the obligations which ordinarily belong to the relation of principal and agent, except where the charter has otherwise directed, I proceed to state the circumstances which show that it had justly forfeited the confidence of the Government, and that it ought not to have been further trusted as the depository of the public money.

The United States, by the charter, reserved the right of appointing five directors of the bank. It was intended by this means not only to provide guardians for the interests of the public in the general administration of its affairs, but also to have faithful officers, whose situation would enable them to become intimately acquainted with all the transactions of the institution, and whose duty it would be to apprise the proper authorities of any misconduct on the part of the corporation likely to affect the public interest. The fourth fundamental article of the constitution of the corporation declares that not less than seven directors shall constitute a board for the transaction of business. At these meetings of the Board, the directors on the part of the United States had of course a right to be present; and, consequently, if the business of the corporation had been transacted in the manner which the law requires, there was abundant security that nothing could be done, injuriously affecting the interests of the people, without being immediately communicated to the public servants, who were authorized to apply the remedy. And if the corporation has so arranged its concerns as to conceal from the public directors some of its most important operations, and has thereby destroyed the safeguards which were designed to secure the interests of the United States, it would seem to be very clear that it has forfeited its claim to confidence, and is no longer worthy of trust. In the ordinary concerns of life, among individuals, no prudent man would continue to place his funds in the hands of an agent, after he discovered that he was studiously concealing from him the manner in which they were employed. The public money ought not to be guarded with less vigilance than that of an individual, and measures of concealment on the part of this corporation are not only contrary to the duties of its agency, but are also in direct violation of the law to which it owes its corporate existence. And the same misconduct which, in the case of private individuals, would induce a prudent man to dismiss an agent from his employment, would require a similar course towards the fiscal agent of the Government, by the officer to whom the law has entrusted the supervision of its conduct, and given the power of removal.

Tried by these principles, it will be found that the conduct of the bank made it the duty of the Secretary of the Treasury to withdraw from its care the public funds.

1st. Instead of a board constituted of at least seven directors according to the charter, at which those appointed by the United States have a right to be present, many of the most important money transactions of the bank have been, and still are, placed under the

control of a committee, denominated the Exchange Committee, of which no one of the public directors has been allowed to be a member since the commencement of the present year. This committee is not even elected by the Board, and the public directors have no voice in their appointment. They are chosen by the President of the bank, and the business of the institution, which ought to be decided on by the Board of Directors, is in many instances transacted by this committee; and no one has a right to be present at their proceedings but the President, and those whom he shall please to name as members of this committee. Thus loans are made, unknown at the time to a majority of the Board, and paper discounted which might probably be rejected at a regular meeting of the directors. The most important operations of the bank are sometimes resolved on and executed by this committee; and its measures are, it appears, designedly, and by regular system, so arranged, as to conceal from the officers of the Government transactions in which the public interests are deeply involved. And this fact alone furnishes evidence too strong to be resisted, that the concealment of certain important operations of the corporation from the officers of the Government, is one of the objects which is intended to be accomplished by means of this committee. The plain words of the charter are violated, in order to deprive the people of the United States of one of the principal securities which the law had provided to guard their interests, and to render more safe the public money entrusted to the care of the bank. Would any individual of ordinary discretion continue his money in the hands of an agent, who violated his instructions for the purpose of hiding from him the manner in which he was conducting the business confided to his charge? Would he continue his property in his hands, when he had not only ascertained that concealment had been practised towards him, but when the agent avowed his determination to continue in the same course, and to withhold from him as far as he could all knowledge of the manner in which he was employing his funds? If an individual would not be expected to continue his confidence under such circumstances, upon what principle could a different line of conduct be required from the officers of the United States, charged with the care of the public interests? The public money is surely entitled to the same care and protection as that of an individual; and if the latter would be bound in justice to himself to withdraw his money from the hands of an agent thus regardless of his duty, the same principle requires that the money of the United States should, under the like circumstances, be withdrawn from the hands of their fiscal agent. And as the power of withdrawal was confided to the Secretary of the Treasury, it was his duty to remove it on this ground alone, if no other cause of complaint had existed against the bank. The conduct of the bank in relation to the three per cent. stock of the United States, is a memorable instance of the power exercised in secret by the Exchange Committee, and the abuses to which it is incident. The circumstances attending that transaction have been so fully laid before Congress and the public, that it is useless to repeat them here. It was a case in which this committee not only managed in secret a moneyed transaction of vast amount, intimately connected with the interests of the people of this country, but one where the measures of the Government were thwarted by the bank, and the nation compelled to continue for a time liable for a debt which it was ready and desired to extinguish. Nor is this the only measure of the kind which has come officially to my knowledge. I have the honor to present herewith a report, made by three of the public directors to the President of the United States, on the 22d of April, 1833, (marked A,) in which, in compliance with a request that they would communicate to him such information as was within their personal knowledge, relative to the unusual proceedings of the Board of directors, they disclose the exceptionable

manner in which the power conferred by law on the board has been surrendered to the Exchange Committee; that this has been done evidently with the design of preventing a proper and contemplated examination into the accounts of persons whose paper was offered for discount; that a minority of the Board, apparently sufficient to have prevented the loan if the security was bad, were deprived of their votes upon the question; and that the long established by-laws of the institution were set aside for the purpose of carrying those designs into effect with less difficulty or embarrassment.

If proceedings like this are sanctioned by the constituted authorities of the United States, the appointment of directors on their part is an idle ceremony, and affords no safeguard to the public treasure in the custody of the bank. And even legislative enactments in relation to this corporation are of but little value, if it may at its pleasure disregard one of the fundamental articles of its constitution, and transfer to a secret committee the business which by law ought to be transacted by the Board. It is scarcely necessary, in presenting this document to the consideration of Congress, to notice an objection which has been sometimes put forward against the publication of any proceedings which relate to the accounts of private individuals. The circumstances detailed are the regular and official transactions of the Board of Directors, nor do they involve the private debtor and creditor account of persons dealing with the bank, which is alone included, in the distinction taken by the charter, in regard to private accounts. If the argument thus brought forward were a sound one, there could be no such thing as an examination of any value into the conduct of the bank, because the business of the bank being with individuals, its misconduct could never be shown without bringing before the public the individual transaction in which the conduct of the bank was impeached. And if it could make good the position that such proceedings never are to be exposed to the public, because individuals are concerned in them, it would effectually shut out all useful examination, and be enabled to apply its money to the most improper purposes, without detection or exposure. When its conduct is impeached, on the ground that it has used its great money power to obtain political influence, the investigation of the charge is, in its very nature, an inquiry into its transactions with individuals. And although the accounts brought forward on such occasions may be the accounts of individuals, yet they are also the accounts of the bank, and show its conduct. And being the fiscal agent of the Government, with such immense power to be exercised for good or for evil, the public safety requires that all of its proceedings should be open to the strictest and most rigorous scrutiny. Its charter may be forfeited by its misconduct, and would be justly forfeited, if it sought to obtain a political influence in the affairs of the nation. And yet such attempt on the part of the bank can never be proved, except by the examination and disclosure of its dealings with individuals.

2d. It is not merely by its concealments that the bank has proved itself regardless of the duties of its agency. Its own interests will be found to be its ruling principle, and the just claims of the public to be treated with but little regard, when they have come into collision with the interests of the corporation. This was but too plainly the case in the affair of the three per cents. above mentioned. A recent instance proves that its rule of action is not changed in this respect. And the failure of the French Government to pay the bill drawn for the first instalment due by the treaty, has been made the occasion of endeavoring to obtain from the public the sum of \$158,842 77, to which no principle of justice appears to entitle it. The money for which the bill was sold, remained in the bank. The expenses it incurred were of small amount, and these the Government are willing to pay. But the corpora-

tion not content with the profits it was deriving from the millions of public money then in its vaults, and which it was daily using in its discounts, endeavours to convert the public disappointment into a gainful transaction for itself; and demands the large sum above mentioned, without pretending that it sustained any loss or inconvenience, commensurate with the amount it seeks to obtain from the Government. The fiscal agent of the public attempts to avail itself of the unexpected disappointment of the principal, for the purpose of enhancing its own profits at the expense of the community.

3d. There is sufficient evidence to prove that the bank has used its means with a view to obtain political power, and thereby secure the renewal of its charter.

The documents which have been heretofore laid before Congress, and are now on its files, will show that on the 31st of December, 1830, the aggregate debt due to the bank was \$42,402,304 24, and that on the 31st of December, 1831, it was \$63,026,452 93, being an extension of its loans, in a single year, of twenty millions of dollars, and an increase of nearly fifty per cent. on its previous accommodations.

And, as if to leave no room to doubt as to the motive of this extraordinary conduct, it continued to add rapidly to its loans, and on the 1st of May, 1832, while its petition for the renewal of its charter was yet pending before Congress, they amounted to \$70,428,070 72, being an increase of \$7,401,617 79 in the four preceding months, and making altogether an addition of \$38,025,766 48 in the short space of sixteen months, and being an extension of more than 66 per cent on its previous loans. Such an increase at such a period of its charter is without example in the history of banking institutions. On the 31st of December, 1830, when its loans amounted, as above stated, to only \$42,402,304 24, the corporation had been in existence fourteen years. The sudden and great increase was made when the charter was drawing to a close, and it had but little more than four years to run. It cannot be supposed that these immense loans were made from a confident expectation that the charter would be renewed. On the contrary, it is now an historical fact, that the bank itself deemed the chances of renewal so doubtful, that, in the session of Congress beginning in December, 1831, it petitioned for a recharter, and the reason generally assigned for pressing for a decision at that time was the great extent of its business, and the necessity of preparing to bring it to a close if the charter was not to be renewed. Thus, with but little more than four years to run, with doubtful chances of renewal, and aware of the necessity of beginning to arrange its vast transactions, it increases its loans in sixteen months more than twenty-eight millions of dollars. Was this imprudence only? It cannot be believed that those who manage its concerns could have committed such an oversight. Can any proper reason be assigned for this departure from the course which the interests of a moneyed corporation, as well as those of the country, obviously require. I am not aware that any sufficient justification has been offered. And this extraordinary increase of its loans, made in so short a space of time, at such a period of its charter, and upon the eve of a severely contested election of President, in which the bank took an open and direct interest, demonstrates that it was using its money for the purpose of obtaining a hold upon the people of this country, in order to operate upon their fears, and to induce them, by the apprehension of ruin, to vote against the candidate whom it desired to defeat. In other words, this great moneyed corporation determined to enter the political arena, and to influence the measures of the Government, by causing its weight to be felt in the election of its officers.

But if the circumstances above stated were not of themselves sufficient to prove that the bank had sought by its money to obtain political power, and to exercise,

by that means, a controlling influence on the measures of the Government, recent developments have furnished such proof as to leave no room for doubt. I have the honor to transmit herewith an official statement (marked B.) signed by four of the public directors of the bank, showing at the same time the unlawful manner in which its business is conducted, and the unwarrantable purposes to which its money has been, and still is applied. It will be seen by the proceedings therein stated that the whole capital of the bank is, in effect, placed at the disposition of the President of that institution. He is authorized to expend what he pleases in causing "to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature, and operations of the bank." And he may therefore, under the very indefinite terms of the resolutions, employ as many persons as he pleases, at such salaries as he thinks proper, either to prepare daily paragraphs for newspapers in favor of the bank, or to write pamphlets and essays to influence the public judgment. And he may even provide for the publications by salaries to printers, or by purchasing presses and types, and placing them in the hands of agents employed and paid by the bank. There is no limitation short of the capital of the bank, as to the sum of money he may thus expend in different parts of the United States. From the description of articles which appear to have been paid for under this resolution, it seems that the President of the institution has supposed that publications containing attacks on officers of the government who are supposed to stand in the way of the renewal of the charter, is one of the modes of "communicating to the people information in regard to the nature and operations of the bank." This construction was, it appears, approved by the Board, as they continued the authority in his hands unchanged, after the manner in which a portion of the money had been applied was laid before them. And we are left to conclude that this institution is now openly in the field as a political partizan, and that one of its means of warfare is the destruction of the political standing of those who are opposed to the renewal of the charter. The sum actually charged to the expenses under this resolution, is sufficiently startling. How much more may have been already squandered, we are yet to learn. And the work of preparing and circulating such publications is still, it is presumed, going on, under the last resolution of the Board. It is moreover impossible to ascertain the specific purposes to which the money may in fact have been applied, since vouchers are not required to show the particular services for which it was given. With these positive proofs of the efforts of the bank to obtain power, and to influence the measures of the Government, I have not hesitated as to the path of duty. If, when this evidence was before me, I had failed to withdraw the deposits of public money from the bank, it would have been lending the countenance and support of this department to measures which are but too well calculated to destroy the purity of our institutions, and endanger thereby the liberties of the people. It cannot be supposed that these expenditures are justifiable on the ground that the bank has a right to defend itself, and that the money in question was therefore properly expended. Some of the items accounted for sufficiently show in what manner it was endeavoring to defend its interests. It had entered the field of political warfare, and, as a political partizan, was endeavoring to defeat the elections of those who were opposed to its views. It was striving, by means of its money, to control the course of the Government, by driving from power those who were obnoxious to its resentment. Can it be permitted to a great moneyed corporation to enter on such a controversy, and then justify its conduct on the ground that it is defending its own interests? The right of such an institution to interfere in the political concerns of the country, for any cause whatever, can never be recognized; and a defence like this on the part of the bank

could not be tolerated even if the individual stockholders alone were thus using their own money to promote their own interests. But it is not only the money of individuals which is thus applied. The one-fifth of the capital of the bank, amounting to seven millions of dollars, belongs to the United States, and the one-fifth of the money which has been expended, and is yet to be expended under this resolution, is the property of the public, and does not belong to private individuals. Yet the Board of Directors assert the right, not only to authorize the expenditure of the money of individual stockholders, in order to promote their individual interests, but have also, by the resolution in question, taken upon themselves to give the like authority over money which belongs to the United States. Is an institution which deals thus with the money of the people, a proper depository for the public funds? When such a right is openly claimed, and acted upon by the Board of Directors, can the money of the United States be deemed safe in its hands. The same principle that would sanction the application of one portion of the public money to such purposes, would justify the like use of all that may come to its possession. The Board of Directors have no lawful authority to employ the money of the United States for such objects. So far as the nation is concerned in the character of the bank, the people, through their own representatives in Congress, can take care of their own rights, and vindicate the character of the bank, if they think it unjustly assailed. And they do not need the aid of persons employed and paid by the bank, to learn whether its charter be constitutional or not, nor whether the public interest requires it to be renewed. Nor have they authorized the President and directors of that institution to expend the public money to enlighten them on this subject.

The resolution in question is moreover in direct violation of the act of Congress by which this corporation was established. And it is difficult to imagine how the unlimited and irresponsible power over the money of the bank, which the directors have given to the President, can be reconciled to the clause in its charter which requires seven directors to form a Board for the transaction of business. If the expenditure of money for the purposes contemplated by the resolution be a legitimate part of the business of the corporation, the Board could not lawfully transfer it to one of its officers, unless they can, by resolution, surrender into the hands of their President the entire power of the corporation, and commit to the care of a single individual the corporate power which the law has declared should be exercised by the Board of Directors.

Chief Justice Marshall, in the case of the bank of the United States *vs.* Dandridge, when speaking of the bonds required to be given by the cashiers of the Bank, says: "It requires very little knowledge of the interior of banks, to know that the interests of the stockholders are committed to a very great extent to these, and other officers. It was, and ought to have been the intention of Congress to secure the government, which took a deep interest in this institution, and to secure individuals, who embarked their fortunes in it on the faith of the Government, as far as possible from the malpractices of its officers." But the directors of the bank seemed to have acted on principles directly opposite to those stated by the Chief Justice, and instead of endeavoring to secure "as far as possible" the public and individuals from the malpractices of its officers, they place the funds of the bank under the control of a single officer, from whom neither security nor specific vouchers have been required. It is true that, in the opinion which the Chief Justice gave in the case from which the above passage is quoted, he differed from the rest of the court. But the difference was on other principles, and not on the one above stated.

In forming my judgment on this as part of the case, I have not regarded the short time the charter has yet to run. But my conduct has been governed by consi-

derations which arise altogether out of the course pursued by the bank, and which would have equally influenced the decision of this department in relation to the deposits; if the bank were now in the first years of its existence; and upon this view of the subject the following propositions appear to be fully maintained.

1st. That the bank, being the fiscal agent of the Government in the duties which the law requires it to perform, is liable to all the responsibilities which attach to the character of agent in ordinary cases of principal and agent among individuals; and it is therefore the duty of the officer of the Government, to whom the power has been entrusted, to withdraw from its possession the public funds whenever its conduct towards its principal has been such as would induce a prudent man in private life to dismiss his agent from his employment.

2d. That by means of its exchange committee, it has so arranged its business, as to deprive the public servants of those opportunities of observing its conduct which the law had provided for the safety of the public money confided to its care; and that there is sufficient evidence to show that the arrangement on the part of the bank was deliberately planned, and is still persisted in, for the purpose of concealment.

3d. That it has also, in the case of the three per cent stock, and of the bill of exchange on France, endeavored unjustly to advance its own interests at the expense of the interests and just rights of the people of the United States.

If these propositions be established, it is very clear that a man of ordinary prudence in private life would withdraw his funds from an agent who had thus behaved himself in relation to his principal; and it follows that it was the duty of the Secretary of the Treasury to withdraw the funds of the United States from the Bank.

4th. That there is sufficient evidence to show that the bank has been, and still is seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants; and it was incumbent upon the Secretary of the Treasury, on that account, to withdraw from its possession the money of the United States, which it was thus using for improper purposes. Upon the whole, I have felt myself bound by the strongest obligations to remove the deposits. The obligation was imposed upon me by the near approach of the time when this corporation will cease to exist, as well as by the course of conduct which it has seen fit to pursue.

The propriety of removing the deposits being thus evident, and it being consequently my duty to select the places to which they were to be removed, it became necessary that arrangements should be immediately made with the new depositories of the public money, which would not only render it safe, but would at the same time secure to the Government, and to the community at large, the conveniences and facilities that were intended to be obtained by incorporating the Bank of the United States. Measures were accordingly taken for that purpose, and copies of the contracts which have been made with the selected banks, and of the letters of instructions to them from this department, are herewith submitted. The contracts with the banks in the interior are not precisely the same with those in the Atlantic cities. The difference between them arises from the nature of the business transacted by the banks in these different places. The State banks selected are all institutions of high character and undoubted strength, and are under the management and control of persons of unquestioned probity and intelligence. And, in order to ensure the safety of the public money, each of them is required, and has agreed, to give security whenever the amount of the deposit shall exceed the half of the amount of the capital actually paid in; and this department has reserved to itself the right to demand security whenever it may think it advisable, although the amount on deposit may not be equal to the sum above stated. The banks selected have also severally engaged to

transmit money to any point at which it may be required by the directions of this department for the public service, and to perform all the services to the Government which were heretofore rendered by the Bank of the United States. And, by agreements among themselves to honor each other's notes and drafts, they are providing a general currency at least as sound as that of the Bank of the United States, and will afford facilities to commerce and in the business of domestic exchange quite equal to any which the community heretofore enjoyed. There has not been yet sufficient time to perfect these arrangements, but enough has already been done to show that, even on the score of expediency, a bank of the United States is not necessary, either for the fiscal operations of the Government, or the public convenience; and that every object which the character of the present bank was designed to attain, may be as effectually accomplished by the State banks. And, if this can be done, nothing that is useful will be lost or endangered by the change, while much that is desirable will be gained by it. For no one of these corporations will possess that absolute, and almost unlimited dominion over the property of the citizens of the United States which the present bank holds, and which enables it at any moment, at its own pleasure, to bring distress upon any portion of the community whenever it may deem it useful to its interest to make its power felt. The influence of each of the State banks is necessarily limited to its own immediate neighborhood, and they will be kept in check by the other local banks. They will not, therefore, be tempted by the consciousness of power to aspire to political influence, nor likely to interfere in the elections of the public servants. They will, moreover, be managed by persons who reside in the midst of the people who are to be immediately affected by their measures; and they cannot be insensible or indifferent to the opinions and peculiar interests of those by whom they are daily surrounded, and with whom they are constantly associated. These circumstances always furnish strong safeguards against an oppressive exercise of power, and forcibly recommend the employment of State banks in preference to a Bank of the United States, with its numerous and distant branches. A corporation of the latter description is continually acting under the conviction of its immense power over the money concerns of the whole country, and is dealing also with the fortunes and comforts of men who are distant from them and to whom they are personally strangers. The directors of the bank are not compelled to hear, daily, the complaints, and witness the sufferings of those who may be ruined by their proceedings. From the nature of man, such an institution cannot always be expected to sympathize with the wants and feelings of those who are affected by its policy. And we ought not, perhaps, to be surprised if a corporation like the Bank of the United States, from the feelings of rivalry, or from cold calculations of interest or ambition; should deliberately plan and execute a course of measures highly injurious and oppressive in places where the directors who control its conduct have no local sympathies to restrain them.

It is a fixed principle of our political institutions to guard against the unnecessary accumulation of power over persons and property in any hands. But no hands are less worthy to be trusted with it than those of a moneyed corporation. In the selection, therefore, of the State banks as the fiscal agents of the Government, no disadvantages appear to have been incurred on the score of safety or convenience, or the general interests of the country, while much that is valuable will be gained by the change. I am however well aware of the vast power of the Bank of the United States, and of its ability to bring distress and suffering on the country. This is one of the evils of chartering a bank with such an amount of capital, with the right of shooting its branches into every part of the Union, so as to extend its influence to every neighborhood. The immense loan of more than twenty-eight millions of dollars suddenly poured out,

chiefly in the Western States in 1831, and the first four months in 1832, sufficiently attests that the bank is sensible of the power which its money gives it, and has placed itself in an attitude to make the people of the United States feel the weight of its resentment, if they presume to disappoint the wishes of the corporation. By a severe curtailment it has already made it proper to withdraw a portion of the money it held on deposit, and transfer it to the custody of the new fiscal agents, in order to shield the community from the injustice of the Bank of the United States. But I have not supposed that the course of the Government ought to be regulated by the fear of the power of the bank. If such a motive could be allowed to influence the legislation of Congress, or the action of the Executive Departments of the Government, there is an end to the sovereignty of the people; and the liberties of the country are at once surrendered at the feet of a moneyed corporation. They may now demand the possession of the public money, or the renewal of the charter; and if these objects are yielded to them from apprehensions of their power, or from the suffering which rapid curtailments on their part are inflicting on the community, what may they not next require? Will submission render such a corporation more forbearing in its course? What law may it not hereafter demand, that it will not, if it pleases, be able to enforce by the same means?

These considerations need not, however, be pressed further in this report. They are too obvious and striking to need enforcement by argument. And I rely with confidence on the representatives of this enlightened nation to sustain a measure which the best interests of the country called for, and which had become absolutely necessary to preserve untainted its free institutions, and to secure the liberties and happiness of the people.

I have the honor to be, sir, very respectfully,

Your obedient servant,

R. B. TANEY,

Secretary of the Treasury.

(To be continued.)

Fires in 1833—according to the record book of one of the engine companies, viz:

City,	22
N. Liberties,	9
Spring Garden,	6
Kensington,	5
Southwark,	3
	—
	45

The whole amount of damages was \$59,600

LEHIGH COAL AND NAVIGATION COMPANY.

Report of the Board of Managers of the Lehigh Coal and Navigation Company, to the Stockholders.—January 13, 1834.

At an election held on the 13th of January 1834, the following named persons were chosen officers of The Lehigh Coal and Navigation Company for the ensuing year: viz.

President,
Joseph Watson.

Managers,

Josiah White	John Cook
Erskine Hazard	George Peterson
Timothy Abbott	Jonathan K. Hassinger
Thomas Earp	Evans Rogers
Ephraim Haines	John M'Allister.

Treasurer,
Otis Ammidon.

EDWIN WALTER, Secretary.

Report of the Board of Managers.

The Managers of The Lehigh Coal and Navigation

Company present to the Stockholders the following as their Annual Report:

A very great improvement has been experienced in the condition of the Delaware division of the Pennsylvania Canal, during the past season. Our business upon it commenced on the 25th of March, with boats carrying from 40 to 45 tons, and closed on the 15th of December, with a boat loaded with 60 tons of coal. It was, however, interrupted in the course of the season for seventy-six days, and, in consequence, it became necessary to unload 24,000 tons of coal at South Easton, and 2,645 tons in the neighbourhood of New Hope, which have since been brought down.

The breaches which caused the interruptions were thoroughly repaired, and many parts of the Canal have been much strengthened. The whole line is now in such a situation that but little delay from casualties is anticipated for the future, and the Canal Commissioners are contemplating the construction of a feeder at Black's Eddy, which, besides removing the necessity of so strong a current from the Lehigh to supply the Canal, will enable the lock tenders to keep the lower levels to the proper height with more certainty, and thus admit of heavier lading on the boats. Under these circumstances, the Managers believe it will never again be necessary to resort to the old method of bringing down the coal in box boats or arks, by the channels of the Delaware river.

The whole quantity of coal taken from the mines in 1833, was 124,508 tons, of which 122,928 tons were shipped from Mauch Chunk, being nearly 50,000 tons more than the shipments of 1832. In the early part of the season, before the Delaware Canal was in complete order, about 7,000 tons were sent down in arks; and, of the balance, carried to market in canal boats, 91,824 tons were transported on the Delaware Canal, on which the Company have paid to the commonwealth toll amounting to \$31,941 68.

The freight of the coal has exceeded the estimate, in consequence of the use of arks in the early part of the season, the low average of the cargoes in the boats, and their detention by the interruptions of the Delaware Canal; but, from the improved state of that Canal, and other increased facilities for transacting business, we anticipate a material reduction in the cost of our coal for the future.

The Lehigh Navigation continues to fulfil our anticipations of its capability and permanency. The following is a list of the freight which has been transported on it during the past season, viz.

	Tons.	cwt.
Coal	122,928	0
Grain	1,206	0
Flour	3,473	10
Salt	395	2
Salt Fish, Beef and Pork	326	10
Other Provisions	95	1
Beer, Porter and Cider	0	12
Whiskey	357	9
Hay and Straw	64	9
Lumber	3,850	15
Cord Wood	2,429	0
Bricks	279	2
Slate	387	15
Lime and Limestone	3,482	10
Other Stone, Sand and Plaster	1,335	16
Iron	413	14
Iron Ore	1,047	5
Pitch, Tar and Rosin	5	14
Merchandise	730	12
Total	142,808	16

The total amount of tolls received on the Lehigh Navigation, exclusive of coal carried on the Company's account, was \$21,653 56.

The Rail Road to the Room Run Mines has been com-

pleted, and, it is thought, will bear a comparison with any other work of a similar kind that has been constructed. There have been transported on it from those mines, during the past year, 21,000 tons of coal.

Contracts for mining coal at the old mines, and at the new mines at Room Run, and delivering it on board the boats at Mauch Chunk, have already been entered into for the ensuing season.

Mauch Chunk, Nesquehoning and South Easton have been much improved. On most of the lots which have been disposed of in those places by the Company, to individual houses, stores or mills have been already built or will be erected during the present year. Numerous applications continue to be received for other lots. The increase of population in these thriving towns will eventually add much to the trade on the Lehigh and Delaware Canals, and must speedily attract business from the Susquehanna, even under the present circumstances of the country. But the proposed connexions between the Susquehanna and the Lehigh, by the Nescopee Canal and by the Wilkesbarre Rail Road, are the only means by which the trade of the North and West Branches can be made tributary to the Lehigh and Delaware Canals.

The Delaware and Raritan Canal, we are informed, is nearly completed, and is expected to open for navigation in the ensuing summer. This will extend the market for coal in New Jersey, and, as it is capable of passing sloops, will increase our facilities for transportation to the northern and eastern states.

The Morris Canal is improving in strength, and has met with comparatively few casualties during the past season. The quantity of coal from the Lehigh, transported by it in 1833, was about 13,000 tons, and an increased demand upon that route may be confidently anticipated this year.

An additional wharf and yard have been procured by the Company in the Northern Liberties, for the sale and shipment of coal; and another establishment is in preparation, and will soon be occupied for the same purposes, in Southwark.

For information respecting the profits of the Company, and the cash transactions of the past year, the Stockholders are referred to the Report of the Dividend Committee, and the Treasurer's Account, which will be laid before the meeting.

By order of the Board of Managers,
JOSEPH WATSON, President.

Philadelphia,
January 13, 1834.

GREAT MEETING OF THE PEOPLE.

At a Meeting of the Manufacturers, Mechanics, Merchants, Traders and others of the City and County of Philadelphia, Signers of the Memorial to Congress, asking relief from the present pecuniary distress, by returning the Government Deposits to the Bank of the United States; held at the Musical Fund Hall, February 3d, 1834. On motion of Gideon Scull, Esq.—

JOHN A. BROWN, was called to the Chair.

And, on motion of Samuel Comly, Esq.—

Samuel Richards
Mathew Carey
William Gill
Israel Roberts
John Scholefield
George Miller
Thomas Fletcher
Benjamin Naglee
Robert Burton
Bela Badger

Were appointed
Vice Presidents.

Jacob M. Thomas
Henry C. Corbit
Richard Morgan
Charles J. Wolbert

Were appointed
Secretaries.

The Chairman stated the object of the meeting; when Caleb Cope, Esq on behalf of the Committee appointed at a preliminary meeting, to have charge of the Memorial, presented the same, and stated that 10,259 signatures had been obtained; that no minor, so far as the knowledge of the Committee extended, had been permitted to sign; that all were freemen, speaking in the "fearless tones of freemen," and not in the "cautious whispers of trembling slaves." The following list contains the numbers and various occupations of the signers; and Memorials are still in circulation, for those citizens who have not yet had an opportunity of affixing their names to the memorial, viz—

722 Manufacturers	74 Lumber merchants
504 Weavers	281 Farmers and Millers
1118 Merchants	94 Inn keepers & livery stable keepers
256 Tailors	53 Saddle & Harness makers
258 Boot & shoemakers	57 Painters and Glaziers
251 Grocers	153 Book sellers and Stationers
185 Draymen, Carters, & Porters	33 Coach makers
268 Watchmakers, silversmiths, & Jewellers	37 Brush makers
149 Tanners, Curriers, and leather dealers	51 Coopers
432 Clerks & Accountants	62 Ship carpenters, riggers, rope makers and sail makers
146 Blacksmiths & stove makers	34 Comb makers
441 Carpenters	42 Copper Smiths and Tin workers
205 Store keepers	48 Brokers
241 Printers	53 Bakers
119 Lamp and Instrument makers	34 Tobacconists
228 Laborers	20 Brewers
97 Ironmongers	21 Auctioneers
224 Hatters	47 Coal and Flour dealers
150 Druggists	78 Mariners and Watermen
84 Attorneys	57 Engravers
105 Cabinet and Chair makers	35 Teachers
102 Umbrella makers	16 Sugar refiners
188 Brick makers, bricklayers and Plasterers	18 Distillers
60 Stone cutters	30 Iron masters
82 Physicians	439 Mechanics in various other branches
1718 Citizens, including artists, builders, engineers, publishers, shipwrights, paper hangers, gilders, iron founders, turners, upholsterers, wheelwrights, tallow chandlers, butchers and others, as may be seen by reference to the signatures, to which the signers have annexed their respective professions and occupations. Making	

10,259.

On motion of John S. Riddle,

Resolved, That twenty-four delegates be appointed by this meeting, to represent at Washington, the views and wishes of the memorialists, and to take such measures there as may appear proper and expedient to satisfy the Senators and Representatives of Pennsylvania, of the urgent necessity of immediate legislation, to relieve the country from existing suffering, and avert the greatest temporary evils.

Resolved, That a committee of twenty-three persons be appointed by the chair to nominate to the meeting a suitable delegation, in conformity with the preceding resolution.

Whereupon the chair appointed

John S. Riddle	Robert Toland
Robert Waln	Werton C. Donaldson
Wm. Chaloner	Cornelius S. Smith
Richard Price	Thos. S. Richards
Jos. S. Riley	M. Humphreys

Lawrence Shuster
Cornelius Tiers
Wm. R. Thompson
Robert Howell
Charles Massey
Thos. Wood
Joseph W. Ryers.

B. McCready
Jos. R. Bolton
Peter Parker
Jos. Murray
John D. Goodwin
Samuel Grant

Who after having retired for some time, nominated the following gentlemen:

Elihu Chauncey
Thomas Fassitt
James Martin
William Gill
Benj. W. Richards
John Strothers
Samuel Comly
Caleb Cope
John M. Ogden
Thos. Fletcher
Gideon Scull
John Waters

Robert T. Potts
Benj. Naglee
Henry Troth
Mordecai D. Lewis
Jos. Smith, Carpenter
Meritt Canby
John S. Warner
J. F. Leaming
Isaac Macauley
Henry White
Cornelius Tiers
Bela Badger

Which nomination was unanimously concurred in, and they were authorized to fill any vacancy that may occur.

On motion of Charles Massey, and seconded by John M. Scott, Esq. the following preamble and resolutions, were carried by general acclamation, having been first eloquently supported by the latter gentleman, and by Professor Hare.

Whereas, The Memorial, now encircling the walls of this Hall, contains the written attestations of 10,259 freemen to the mournful truth, that the people of the City and County of Philadelphia "are in the midst of unexampled suffering and distress; that instead of relief, they have only a prospect of continued and increasing misery, the severity of which cannot be measured by any thing that has yet occurred; that this distress is to be traced to the disordered state of the currency, and that of the removal of the Government Deposits from the Bank of the United States;" And, whereas, this meeting has assembled, not in the spirit or with the feelings of party, but in the spirit and with the feelings of freemen, to devise the means of presenting their grievances to the consideration of the constituted authorities of the Nation, and of demanding from them some just measure of relief: Therefore, be it

Resolved, That the Delegates appointed to present the Memorial which states our sufferings, be instructed in the manly and plain language of free citizens of a free Republic, to lay our grievances before the Representatives of the People, and to ask at their hands that the fatal step which has led to our present distress, be retraced, and the policy which is causing our ruin, be abandoned.

And, whereas, it is the opinion of this meeting "that the Bank of the U. States has tended in a great degree to maintain a sound and uniform currency—to facilitate the financial operations of the Government—to regulate foreign and domestic exchange—and has been conducive to commercial prosperity;" and that no measure short of a re-charter of that Institution will restore confidence to the country, and give *permanent* relief from the distress under which the Nation is suffering.

Resolved, That the delegates from this meeting be further instructed to address themselves to the representatives of Pennsylvania in both houses of Congress, and to state to them that it is the desire of the freemen composing this assembly that "they use their exertions to obtain a renewal of the charter of the Bank of the United States during the present session of Congress, with such alterations (if any be necessary) as may secure the rights of the States."

Resolved, That a copy of these resolutions and of the proceedings of this meeting be transmitted to the governor of this commonwealth, and to the Senate and

House of Representatives of this State as an evidence that the People of the District respond heartily to the sentiments expressed by those bodies—and by his Excellency the Governor; in the resolutions by them solemnly adopted and by him approved in April, 1831, and in February, 1832.

On motion of John Scholefield,

Resolved, That the manly and independent conduct of our esteemed fellow citizen, William J. Duane, in refusing to be the instrument of the removal of the deposits, and in preferring to retire to private life rather than sacrifice his public duty, merits the thanks and gratitude of his country.

On motion of Henry Nixon,

Resolved, That a copy of the Memorial to Congress, together with the proceedings of this meeting, be transmitted to the Governor of the State of Pennsylvania, and that a Committee of five be appointed, to present the same, with a request that he will submit the subject to the consideration of the Legislature, and invite their co operation in measures deemed of vital importance to the interests and welfare of this Commonwealth.

The following gentlemen compose the Committee:—

Henry Nixon, Henry Cope, Joseph S. Riley, Robert Wain, Joseph H. Dulles.

On motion of C. G. Childs,

Resolved, That the thanks of this meeting be presented to the officers presiding over it, and also to John M. Scott, Esq. for his appropriate, manly and eloquent address, and that a copy of the same be requested for publication.

Resolved, That the proceedings of this meeting be published in the papers in the City and County of Philadelphia.

The meeting then adjourned.

JOHN A. BROWN, President.

SAMUEL RICHARDS
MATHEW CAREY
WM. GILL
GEO. MILLER
BENJ. NAGLEE
ISAAC ROBERTS
JOHN SCOLEFIELD
THOS. FLETCHER
ROBERT BURTON
BELA BADGER

Vice Presidents.

Jacob M. Thomas
Henry C. Corbit
Richard Morgan
Chas. J. Wolbert

Secretaries.

An incident occurred during the address, that may be considered worthy of notice. Mr. Scott was remarking upon the attempts made by certain persons to drown the voice of public complaint, by declaring that there was no suffering, no distress in the community, when some one in the crowd exclaimed, "Judge W*****." As soon as the noise had subsided which was consequent upon this "palpable hit," Mr. Scott continued—"Yes, Mr. President, was the honorable gentleman just mentioned by the person on the floor, now present, we could satisfy him that there is very great pecuniary distress—we would give him satisfaction in the voice of the people; and," continued the speaker, pointing to the list of names festooned along the four sides and across the centre of the Hall, "we could afford him the ocular proof by pointing to "*the hand writing on the wall.*"

"And a DANIEL," said some of the crowd, "will see and expound it to him."

U. S. Gazette.

For the Register.

LOGAN, THE INDIAN CHIEF.

Mr. Hazard:—

In your Register of Dec. the 28th, I perceive an article taken from the Germantown Telegraph, written it is probable by a well known and respectable antiquarian, whose authority upon most points of Colonial History I should not pretend to question; but as he has in this instance been misled by some erroneous local tradition, and as I think the fact possesses an interest not altogether local, it may be well to set it in its true light.

After speaking of the connexion of James Logan with the Indian Tribes of Pennsylvania during nearly fifty years, in which time he entirely secured their esteem and affection, the writer states "that Wingahocking one of their Chiefs proposed to Logan an exchange of names in the Indian Fashion: this being agreed to, the Indian took the name of Logan, and the name of the Chief was given to the Creek running through the Stenton Grounds," &c.

I would observe that it is not said here, nor is there any reason to believe that Secretary Logan, even among his Indian friends, ever bore the name Wingahocking—which politeness and policy might have required—and it would have been a poor compliment to the Indian to give to a petty stream the name which he did not himself condescend to use.

I recollected afterwards that Secretary Logan and the Chieftain of the same name could scarcely be called contemporaries, and certainly could not have long enjoyed the friendship of each other—as James Logan terminated his connexion with the Indians as early as 1748—and the Indian was still a vigorous warrior when killed about 30 years later.

My doubts thus suggested were fully confirmed by further investigation, and I conceive that the etymology of the name Wingahocking is alone perfect evidence that this story is utterly without foundation.

Logan the Indian was a Cayuga Chief, and his original name would have been in that language, but Wingahocking is in the Delaware dialect, and its meaning is, "Choice land for cultivating or planting—a favourite spot—fine land" exactly corresponding with the natural character of Stenton farm, no doubt its original name; and certainly never belonged to any Indian Chief—all whose names were significant of some quality or commemorative of some act—and tho' sometimes taken from an animal or inanimate object to which the Indian may have had some imagined resemblance, never that I can discover were derived from localities.

Though the story of the exchange of names is without foundation, it is not the less true that the Indian Chief did derive his name from the Provincial Secretary.

He was the second son of a most worthy Chief of the Cayuga tribe—a virtuous, shrewd and sober man, named Shicalamy, who resided at Shamokin. Many years' intercourse between Shicalamy and James Logan confirmed a mutual esteem and friendship; and when in the latter period of their lives, their infirmities prevented their seeing each other, few messengers passed between Philadelphia and Shamokin, without bearing

from one to the other an expression of affection, or some more substantial proof of recollection. Shicalamy died in 1749, a convert of the Moravian Missionaries, whose Historian, Loskiel, bears honourable testimony of his worth. His wife it is said, was a Shawanese woman, and their son received from them the name of their old friend and benefactor. Such is the history of the name which it is likely enough was given in Christian Baptism not after any Indian fashion whatever.

There is a short memoir of the Chieftain Logan in Mr. Thatcher's lives of the Indians, which if you have space, I would recommend to you to re-print as a sequel to this letter.

With much respect,

I am yours, &c.

I. F. F.

MESSAGE OF THE GOVERNOR,

Accompanied with a memorial of the Judges of the Supreme Courts of Pennsylvania.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen:—a memorial signed by the judges of the Supreme court, and directed to the Senate and House of Representatives, setting forth in a plain but forcible manner, the total inability of that branch of the judiciary to discharge, with satisfaction to themselves, or with advantage to the public, the onerous and continually accumulating duties which the present condition and circumstances of the commonwealth devolve upon them, and suggesting the adoption of Legislative measures, having a tendency to mitigate their labors and to enable them to dispense justice with greater deliberation and in a manner calculated to avoid the too frequent difference of opinion among themselves, as well as to ensure more confidence in their decisions, has been forwarded to me, with a request that I would cause the same to be laid before the General Assembly. Emanating as this request does, from so respectable a source, I take great pleasure in transmitting the memorial to the two Houses, and in recommending the views and suggestions of the memorialists to the early and favorable consideration of the Legislature, with whom alone exists the power to afford the relief desired. The facts stated in the memorial are notoriously true, and it is due to public justice as well as to the memorialists, that a speedy and an effectual remedy should be provided. Permit me, gentlemen, to urge this subject upon your attention, and to express the hope that the appeal of the judges, which may be considered as addressed not to the sympathies but to the justice of the General Assembly, will not be disregarded.

GEO. WOLF.

Harrisburg, January the 15th, 1834.

MEMORIAL.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania, the memorial of the undersigned, judges of the Supreme court, respectfully represents:

That previous to the organization of the present Circuit courts, there was a gradual increase of the business of the Supreme court produced by an increase of the population, habits of speculation, and the judicial organization of new counties. This increase was met by correspondent exertions on the part of the judges, and while the accumulation produced by it did not transcend their efforts, it was not felt by the public to be an evil. The re-establishment of the Circuit court, instead of lessening, as was anticipated, the business in bank in a degree to compensate for the time consumed in circuit

duties, has added very materially to the previous accumulation. Many causes come from the Circuit courts by appeal; and not, as in the case of a writ of error, for the examination of a few abstract points of law, but for a reinvestigation of the merits of the whole cause including both the evidence and the law. An appeal from the Circuit court, therefore, is found to occupy double the time that is requisite for the hearing of a writ of error; and to say nothing of the time consumed on the circuits, the whole increase of business from this source, is a clear addition to what was sufficiently burdensome before. From these causes, the accumulation has reached a point which renders the efforts of the judges though strenuously applied for more than three hundred days in the year, inadequate to reduce it or even to keep pace with it.

The extraordinary exertions heretofore made, must necessarily be relaxed when the object to be attained by them, is found to be a hopeless one. Even were the undersigned able to keep the business down by dint of labor, it would deserve consideration whether the rapidity with which it would be requisite to move, is compatible with safety in a court whose errors are without remedy in the particular cause. In the four country districts, the undersigned have usually despatched from seventy to a hundred causes in the four weeks, being at the rate of nearly four causes a day; and yet a considerable number have ordinarily remained untouched for want of time. In the western district, the remnants amount to more than a hundred, and are yearly increasing. The consequences of this extreme haste, are occasional error, and a too frequent division of opinion, which lessens the authority of the decision, and would more seldom occur if time were allowed for deliberation. In order to eradicate an occasional vicious principle hastily introduced, before it has become inveterate, the undersigned are compelled to review their own decisions more frequently than seems to be consistent with the stability of judicial precedents. These remarks, however, are applicable only to the country districts. In Philadelphia, where the amount in contest is usually greater, and the arguments consequently fuller, there is sufficient time for reflection and consultation.

Though an appellate tribunal is not, in its design, a court for the despatch of the current of ordinary business, it seems that a large proportion of the litigated causes in the fifty-three courts of Common Pleas and District courts, finds its way into the Supreme court, besides a very considerable share of the business in the Orphans' courts and Quarter sessions. It is worthy of remark, too, that a new and no inconsiderable share of appellate jurisdiction, has been created by the act for the distribution of monies in court among lien creditors. In addition, it is the duty of the undersigned, beside the usual *Nisi Prius* courts at Philadelphia, to hold a Circuit court in each of the counties in which there are causes at issue, (and there is usually business in three-fourths of them) the judgments in which ordinarily come up by appeal, to swell the business in bank. Finally a considerable share of business originates in the Supreme court itself, by *Habeas Corpus*, *Mandamus*, information in the nature of *Quo Warranto*, and the inspection of the charters of incorporation. From this, the Legislature may perceive that the business cast upon the court is more than it can bear. It is no alleviation of the circuit duties, to find that the number of causes in many of the counties, is comparatively small. The time consumed in the same whether there is business for the whole week or not; and it is rather a source of vexation than otherwise, that a judge is sometimes compelled to travel two hundred miles to try a single cause.

The causes of the increase of business in the Supreme court, are principally these:—1. The circuit duties imposed on its judges; and the consequent review in bank, of their own decisions:—2. The abuse of the right of appeal from the county courts:—3. The increase of population and consequent organization of additional

courts:—4. The general increase of litigation from the increase of trade and speculation. The accumulation from the last two, cannot be prevented.

The undersigned are aware that the accumulation from the Circuit courts, is an inconvenience which it is difficult to deal with; and they express no opinion on the subject of their abolition. Still it is due to the occasion to say that such a measure is one of the very few which are practicable, and at the same time competent to afford any thing like substantial and permanent relief. Should it be the pleasure of the Legislature to leave these writs untouched, something, though much less might be accomplished by lessening the amount of the business derived from the county courts.

The excessive use of the writ of error, which is sensibly felt to be a grievance in Pennsylvania, is the result of an absence of all those checks, the affidavit of the suitor excepted, which are interposed to guard it from abuse elsewhere. The costs in the Supreme Court are too inconsiderable to enter into the computation of the chances, or of the benefit to be derived from delay, even should the event be unpropitious. In appeals from the Circuit courts, even the affidavit, inefficient as it is found to be in other cases, is wanting. Including the tax of three dollars, the costs of a writ of error paid down at the purchasing of the writ, are barely five dollars; and those subsequently incurred are seldom as much more, and still more seldom paid. As an execution can not be issued from the Supreme Court on an affirmance or reversal, the prothonotary has no direct means of collecting his costs, but an action before a justice of the peace, which, if the party, as he usually does, lives in another county, is very inefficient. The lien which the officer has on the record, is fruitless, where no further steps are to be taken in the court below, as neither party has an object to accomplish in such a case, by carrying the record down; and where that was otherwise, instances have been known of a second trial by consent, without an actual transmission of the record. It may readily be imagined, then, that an unsuccessful party will not be deterred from taking the benefit of a desperate chance, where there is comparatively nothing to pay for it; and accordingly we find that three-fourths of the judgments removed, are affirmed.

In the courts of primary resort, justice ought to be as cheap as possible, because the presumption of right is not unfavorable to the party seeking redress. But when his cause has been adversely judged, by a tribunal competent to the decision of it, the presumption is positively against him; and if he will obtrude himself on another tribunal, it ought to be at his peril. If it were practicable, it might be desirable for the satisfaction of the suitors to make the appellate court as easy of access as are the primary ones; but as that cannot be done without choking up the appellate court, and causing a stagnation of the entire stream of justice, necessity requires that it should be otherwise. In some, if not all our sister states, a penalty in proportion to the matter in controversy, is imposed on unsuccessful appellants or plaintiffs in error. In addition to this, if writs of error were subjected to the special allowance of a judge of the Supreme court, where the matter in contest is under one hundred dollars, it would materially lessen a considerable part of the business, and prevent important principles which are sometimes involved in these small matters, from being decided without the lights afforded by a full argument.

Beside these causes of increase, it is not certain but that a too wide extension of the terms of the Supreme Court, has encouraged appellate litigation; and perhaps something might be effected by consolidating the three middle districts as the seat of Government. In any event, it would relieve the judges from a fruitless expenditure of two weeks, in additional journey to the western counties, caused by fixing the period for holding the term at Chambersburg, between the season for holding the Circuit Courts in those counties and the term

at Pittsburg. Should it be the pleasure of the Legislature not to consolidate the middle districts, it is submitted whether this time would not be beneficially saved by placing the term at Chambersburg immediately after that at Sunbury, allowing a sufficient interval, however, for the judges to travel from the one place to the other.

Closely, though not necessarily connected with the foregoing, is the delay that has occurred in publishing the reports. Owing to the multiplication of law books every where, the unaided patronage of the profession is insufficient to quicken the pace of the reporters. The judges are unable to return an accurate recollection of their own decisions; and hence the decision of a cause is often deferred; in order to consult manuscripts at home, which would in our sister states, where the exertions of the reporters are stimulated by the patronage of the government, be published, and on the table of the court. A prompt circulation of the latest decisions, would prevent many an unsustainable action from being instituted, and put a stop to those already brought. It is respectfully suggested that a small salary in addition to the profits of the book, would relieve the court and the profession from much inconvenience on that head.

The undersigned respectfully conceive that they discharge a duty which they owe to the public, in suggesting to the Legislature the existence of defects in our judiciary system, with which their business and situation render them particularly familiar. That they are actuated by no personal considerations, is proved by the undoubted fact, that no act of legislation can so far reduce the amount of labour which it will always be necessary for them to perform, as to leave them a longer period for their families and private concerns, than they at present enjoy. Under any modification of the system, their labour must be unintermitted. But the mischiefs they have indicated, being remedied, they would have the consolation of perceiving that their labours were adequate to the object, and the suitors and the public satisfied.

All which is respectfully submitted.

JOHN B. GIBSON,
MOLTON C. ROGERS,
CHARLES HUSTON,
JOHN ROSS,
JOHN KENNEDY.

THE REGISTER.

PHILADELPHIA, FEB. 8, 1834.

Appointments by the Governor.

THOMAS SERGEANT, Esq. Associate Judge of the Supreme Court of Pennsylvania, in the room of John Ross, Esq. deceased. ARCHIBALD RANDALL, Esq. Judge of the Court of Common Pleas.

The Board of Health have just issued their annual statement of diseases and deaths during the year 1833. As we have not room this week for the tables in detail, we insert for the present the following notes we have hastily made upon them. The whole number of deaths during the year is

There however ought to be deducted the still born

4440
312

Which will leave from disease or accidents

4128

Of these there died under 1 year

1337

1 and 2

375

2 and 5

321

5 and 10

131

10 and 15

78

15 and 20	103
	—2345
20 and 30	531
30 and 40	534
40 and 50	362
50 and 60	245
60 and 70	185
70 and 80	141
80 and 90	79
90 and 100	17
100 and 110	3
	—2095
	4440

So that more than one half died under 20 years of age.

The deaths in 1833, were 1394 less than in 1832, after allowing for the deaths from cholera—which, taking into view the increase of population, shews the past to have been a year of uncommon health. In 1832, the proportion was 1 in 32.84 of the population, and in 1833, it is about 1 in 44.17. We estimate the population at 182,355.

The number of males was 2412, and of females 2028, or in proportion of 100 males to 84 females. Under 20 years there were 1261 males, and 1084 females, or 100 of the former to 85.96 of the latter, and above 20 years there were 1151 males, and 944 females, or 100 males to 82.01 females,

There were 3962 white, and 478 colored persons; or 100 white to 12.32 colored.

The greatest number of deaths occurred in July, and the smallest in November.

About half of the deaths were caused by 9 diseases, in the following order as to number—consumption 650—convulsions 266—cholera infantum 197—debility 189—dropsy of the head 170—inflammation of the lungs 166—small pox 156—mania a potu and intemperance 142—inflammation of the bowels 135. There were 18 cases of suicide, 5 murders, 8 poisoned,—55 were drowned, 16 took laudanum to excess!

There were reported by 157 practitioners 7642 births, viz: 3840 males, and 3802 females—or in the proportion of 100 males to 99.01 females—being a rather larger proportion of females than usual, last year the males were in excess.

The difference between the births and deaths is 3202.

Of the births 312 were still born—or 1 in 24. Of the males 186 were still born, or 1 in 20; and of the females 126, or 1 in 30.

The proportion of deaths to births 1 to 1.72 or 76 births to 44 deaths.

There were about 21 births, and 12 deaths per day.

The deaths from consumption bear about the usual proportion of 1 in 6½ to 6½—of the 650 who died with it 342 were males and 308 females; of these 104 were under 20 years, 343 between 20 and 40, and 203 upwards of 40. Of the whole number of deaths between 20 and 40, more than one-third were from consumption.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 7. PHILADELPHIA. FEBRUARY 15, 1834. NO. 319

SYSTEM OF GENERAL EDUCATION.

Report of the Joint Committee of the two Houses of the Pennsylvania Legislature, on the subject of a System of General Education, together with the Bill reported by said Committee, and an Appendix containing sundry communications on the subject of Common Schools.—Samuel Breck, Chairman. Read in the Senate, January 22, 1834, and 1500 copies ordered to be printed.

Report of the Joint Committee of the two Houses of the Pennsylvania Legislature, to whom was referred the following Resolution:

“Resolved, That a committee be appointed, in conjunction with a like committee by the House of Representatives, for the purpose of digesting a system of general education for this Commonwealth, and that all reports, together with the unfinished business of last session, upon that subject, be referred to said joint committee, who are instructed to report as early as possible, by bill or otherwise.”

In Pennsylvania, our right of suffrage is as broad as possible. A citizen, who pays a tax of a few cents only, can go to the election, with power equal to him who contributes many hundred dollars; and by his vote, direct the public weal, with the same authority as the richest citizen. It becomes necessary, therefore, to give the man of humble means, an opportunity of understanding the political advantages in which he so largely shares.” “Our institutions,” says a great statesman, “are neither designed for, nor suited to a nation of ignorant paupers. To be free, the people must be intelligently free.”

The number of voters in Pennsylvania, unable to read, have been computed, from data in other states, at many thousand; and two thousand five hundred, grow up to be voters annually, who are equally ignorant. In a republican government, no voter should be without the rudiments of learning; for aside from political considerations, education purifies the morals, and lessens crime. Our philanthropists, who visit our jails, have ascertained that more than half the convicts are unable to read. It is better to avert crime, by giving instruction to our youth, than punish them when men, as ignorant convicts.

A radical defect in our laws upon the subject of education, is that the public aid now given, and imperfectly given, is confined to the poor. Aware of this, your committee have taken care to exclude the word *poor*, from the bill which will accompany this report, meaning to make the system *general*; that is to say, to form an educational association between the rich, the comparatively rich, and the destitute. Let them all fare alike in the primary schools; receive the same elementary instruction; imbibe the same republican spirit, and be animated by a feeling of perfect equality. In after life, he who is diligent at school, will take his station accordingly, whether born to wealth or not. Common schools, universally established, will multiply the chances of success, perhaps of brilliant success, among those who may forever continue ignorant. It is the duty of the State to promote and foster such establishments. That done, the career of each youth will depend upon himself. The State will have given the first impulse; good conduct and suitable application must do

the rest. Among the indigent, “some flashing of a mounting genius” may be found; and among both rich and poor, in the course of nature, many no doubt will sink into mediocrity, or beneath it. Yet let them start with equal advantages, leaving no discrimination then or thereafter, but such as nature and study shall produce.

As a preliminary step, your committee addressed through their chairman, a letter, accompanied by interrogatories to the Governors of the States of Maine, Massachusetts, Connecticut, New Hampshire, New York, and Ohio. Very prompt, full and satisfactory replies were immediately made. Several individuals, residing abroad and in Pennsylvania, distinguished by their zeal and intelligence in matters of general education, were likewise addressed by letter, from whom communications containing much information have been received, and are, as your committee think, of sufficient value to be preserved; for which reason, they have annexed them as an appendix to this report.

The bill now presented for your consideration, and as they hope for your adoption, contains no compulsory provision whatever. The city of Philadelphia, the county of Philadelphia, and every other county, when this bill shall become a law, will constitute a school division, and every ward, borough or township, will constitute a school district. A joint meeting of the county commissioners, and a delegate from each school district, shall authorize the expenditure, if any, in each district; and these appropriations will be levied and collected in the usual manner. School directors, elected in each school district, will determine the number of schools to be opened therein, and provide them with suitable school houses. Manual labor may or may not be associated with the usual studies. Two inspectors, appointed by the District Court of the city and county of Philadelphia, and the Courts of Common Pleas, shall visit every school in their respective districts, for the purpose of inspecting the morals, learning and ability of the teachers, and shall recommend applicants for places as teachers; watch over the progress and conduct of the scholars, &c. A superintendent takes charge of the whole system, which he regulates according to the various powers entrusted to him. The colleges and academies now in operation, will be invited by him to educate, in the aggregate, two hundred young men in two years, to be engaged as teachers, as soon as the plan can be well organized for common school purposes; and finally, an annual appropriation is made, out of funds which will be more particularly alluded to and explained in another part of this report.

The office of superintendent of the public schools exists in the State of New York, and is exercised there by the Secretary of the Commonwealth, in the way proposed by your committee in the bill. Whenever our system shall become fully developed, and the duties thereof be too laborious for that officer, so as to require the whole and exclusive attention of a competent individual, such an one can then be appointed; but for the first few years, the two offices can be connected.

The authority of the superintendent, in New York, extends over more than nine thousand school districts. He receives from them a periodical account of their progress, their organization, their success or their de-

fectiveness. With us, he will be the Executive officer in the new department. It will be his duty to report, annually, upon

1. The condition of the common schools of the State.

2. To furnish estimates and accounts of expenditures of the school monies.

3. Give plans for the improvement and management of the common school fund, and better organization of the common schools, and whatever else he may deem it expedient to communicate.

The law will control him fully, and he may be censured and removed like other officers. On him, as agent, will depend the well working of the system; and as that system extends, with the increase of our numbers, he may be usefully aided by deputies, who may personally inspect the schools of every division, by districting the State for that purpose. It may be a part of his duty, to interchange reports, annually, with officers of a similar character in other States, for the purpose of correcting our own system, and improving theirs.

But the chief preparatory step is, unquestionably, the formation of teachers; and on this highly important subject, the information collected by your committee is ample. Wherever systems of common schools exist, there is but one voice on this head. Seminaries for the instruction of teachers, are as important as medical schools for physicians. Under the proposed system, a large supply of teachers will soon be wanted; and these must be properly formed for that vocation. They must be taught the art of well governing a school; they must acquire the knowledge necessary to be communicated, and the art of communicating that knowledge. For this purpose, a central school, associated with manual labour, has been suggested, and a bill was reported to the House of Representatives, last year, upon that subject. It was a favourite plan of the great De Witt Clinton. One or two hundred teachers, under the direction of the State, might be thus prepared annually; but the method recommended by the Governor, has been adopted by your committee, who believe that the existing colleges may be able to furnish model schools and a teacher's course. Any common school, in the neighbourhood of a college, would afford an opportunity, daily, for the student to learn practically that part of his future duty which relates to the management of scholars, without intermitting the course prescribed in college. At the end of two years, he will receive a certificate from the trustees, if properly qualified. In addition to these colleges, some of the best academies may be selected, and thus augment the supply; so that two hundred competent teachers may be furnished annually, who, at an expense of forty dollars each, would cost eight thousand dollars a year. Most of our academies have fallen to the grade of common schools. This is a melancholy truth—so that very few of them can be used as seminaries for forming teachers. Very elaborate manuscript communications on the subject of academies, have been addressed to the committee. By these, we are informed, that in some of our sister States, seminaries, such as our academies were intended to be, are the bone and sinew of the system of general education; forming a connecting link between the colleges. They exert also, as grammar schools of the villages, a controlling influence on education; and we may hope, in Pennsylvania, that the opportunity now afforded to them, of instructing teachers for common schools, will be a means of restoring them to the rank which they ought to occupy. In Massachusetts, where the teacher's course is liberal, these academies attract sometimes as many as one hundred young men, who intend to become practical teachers. Were our academies to be moderately endowed and remodelled, they might exercise an intermediate influence in almost every county, between the colleges and common schools, by qualifying teachers for one, and preparing students in classical stu-

dies for the other. But how are young men to be induced to take up the business of teaching? To this your committee answer, by giving them a respectable standing in society—by making their salaries large enough to maintain them and their families. The character of a school is formed by the character of the teacher; and the respect and obedience of the pupil, is regulated by the measure of respect which the master receives from the public. A shameful parsimony prevails in the remuneration of teachers of common schools. The male teacher's pay, in New York, is something under twelve dollars a month; in Ohio, it is from twelve to twenty. Females, in New York, average five dollars, and in Connecticut, some women teach for seventy-five cents a week! Well paid teachers are the cheapest.

It is not to be expected that the public treasury is to bear the whole burden of the teacher's salaries. On the contrary, the best trained among them will look for their compensation, in a great degree, to the inhabitants of the school districts. It is so elsewhere. For example—in New York, the whole expenditure of the teachers' money, for 1831, was \$663,902, out of which, the State paid but \$50,000; while the school bills, paid voluntarily by individuals, besides the local school tax, was \$358,320.

A like plan, in reference both to teacher and schools, must be followed in Pennsylvania; and although we may not see it succeed at first, perseverance will ultimately cause it to triumph. Nor ought we, in the opinion of your committee, to be discouraged, should the people be slow in putting into operation the system now offered; for they find, by the report of the New York superintendent of 1833, that in 1816, only 140,000 scholars attended school. The increase, in 16 years, in the districts which have adopted the school system, was 354,853 scholars; and Governor Marcy informs your committee, that this year the whole number is 512,475. So rapid an increase from so moderate a beginning, gives great reason to hope, that the inhabitants of our own Commonwealth, will gradually shake off the lethargy that now prevails; for it cannot be denied, that much apathy on the subject of education, has heretofore existed in Pennsylvania—and this may be proved by the sad disparity between those who avail themselves of the free school education, and those who pay no attention to education at all. Of these latter, Governor Wolf computes the number at 400,000. Assuming the last census as a basis, we have 635,849 children under twenty years of age: between four and five hundred thousand of these are, by the constitution, placed under the guardianship of the Legislature, of which, by official returns made last year to the Secretary of the Commonwealth, only 17,462 are now receiving (and that nominally perhaps) instruction *gratis*! Here, then, are 400,000 at least, wholly without any kind of schooling. Yet we now only begin to hear a murmur of discontent from their parents, and a wish to claim the feeble advantages granted by our existing laws. It is a Legislative duty, as your committee thinks, to prepare the minds of our fellow citizens for improvement in this respect, and bring them gradually to the adoption of universal education.

Your committee proceed to consider, very briefly, the system of schooling, as associated with manual labour. Some of our seminaries have considerable experience on that subject. The Rev. Mr. Junkin, principal of the Lafayette college, may be classed among the most competent teachers of the Fellenberg plan: and the union of collegiate education and manual labour has, under his direction, been very successful. Country schools may also be benefitted by a like union, by having small lots of land attached to a school house, that shall be arranged for a work shop and farming. With these, a teacher can be maintained by the labour of the boys, who may be made to work one hour and a half a day only for that purpose. This will be the means of instructing and employing them, and laying the found-

dation of future habits of industry. The connexion, however, is left by the bill, to the choice of the people. It may be adopted or omitted. The subject, nevertheless, is recommended to the special attention of the Legislature, as one that is more and more appreciated, as the successful experience of our seminaries fully demonstrate. We see there, young men between eighteen and twenty-eight, work out by manual labor of three hours a day, the whole expense of a collegiate education, and thus qualify themselves most perfectly for future usefulness as instructors.

Having gone through the general provisions of the bill, your committee now offer a few observations, upon the ways and means for carrying them into effect, or rather for commencing a system that is intended soon, with the good will of their fellow citizens, to become general.

The school fund, in April, will be five hundred and fifty thousand dollars, and the annual addition, arising out of the tax of one mill, land warrants, &c., will be, in round numbers, two hundred thousand, which, with interest accumulating in the internal improvement fund, under the provisions of the act of 1831, will in 1839 or '40, give a capital of more than two millions of dollars, which at 5 per cent. will yield the one hundred thousand dollars set apart by said act, to be annually distributed for the use of schools. To this accumulating stock may be added large premiums and bonus on banks, the charters of which are soon to be renewed, and capitals increased. If this increase should go no further than two millions of dollars, at five per cent. bonus and a premium of five per cent. on selling the stock, would give two hundred thousand dollars, which your committee recommend to be appropriated for the use of schools and forming teachers, in the following manner:

1. The year 1834 may require for teachers' instruction and initiative measures, twenty-five thousand dollars; that is to say, two hundred young men for future teachers at 40 dollars each, will be \$8000, and to aid in organizing the new common schools, \$17,000.

2. As the plan develops itself, the increase of schools and teachers will require for the year 1835, the sum of fifty thousand dollars.

3. In 1836, we may hope that sufficient extension will have taken place to require, according to the provisions of the bill, a state contribution of \$75,000.

4. In 1837, a sum of fifty thousand will be left unexpended of the bank bonus, &c., which may go towards defraying the expense of that year, and to which may be added twenty-five thousand from the school fund of the State.

5. In 1838 and '39, the school fund, should it furnish \$75,000 for each of those years, will only postpone the accumulation of that fund to two millions of dollars, one single year; that is to say, until 1841, when it may pay, at 5 per cent., the yearly sum of \$100,000, as called for by the law of 1831.

Should these expectations be realized, it remains to see in what way these annual State contributions can be expended to the best advantage; and this brings us to consider the modes adopted elsewhere.

In Ohio, with a school fund of \$550,000, a tax of three fourths of a mill on the dollar, is collected in the same manner and at the same time that the general revenue is collected.

In New York, the school fund is \$1,754,046, and yields annually, \$106,800, only \$100,000 of which is distributed; that is, about one eleventh part of the whole school expense: and no town can partake of the state distribution, unless it levies upon its inhabitants two-elevenths, or a sum double the amount of that to which it is entitled from the fund of general apportionment. This tax is laid upon the several towns and cities; another two-elevenths is raised by a tax upon the property of the several districts, in pursuance of a vote of the inhabitants thereof; and the residue, nearly six-

elevenths, (being \$606,799,) is paid voluntarily by the parents and guardians of the scholars. The whole annual amount of the school expense in that state, is \$1,126,482 45. The number of pupils taught with this fund, was last year 512,465, at an annual average cost of two dollars and twenty-eight cents each.

This association of state appropriations and taxes, succeeds well in Ohio likewise; but in Connecticut, where few or no taxes are laid for schooling, and where last year \$85,000 were expended on that object, out of a school fund of \$1,950,000, the system is less perfect. Its defects, which are ascribable in part to other causes, are, however, gradually disappearing, and means are about being taken to create a rigid inspection of the schools. When the tax existed, the school was better sustained, and the parents far more vigilant. The annual average expense in Connecticut, on 25,000 scholars, is two dollars and eighty cents. All the other states of New England, derive nearly the whole of their funds for the use of schools, from taxes.

By a tabular statement of the colleges in Pennsylvania, the number of students is placed as 530, as follows:

University, Philadelphia	126
Carlisle	21
Canonsburg	167
Washington	47
Meadville	6
Alleghenytown	53
Easton	40
Uniontown	70

530 divided into 1,347,672, the amount of our population will give about one college taught individual to every 2540 inhabitants.

We do not possess the means of ascertaining the comparison between those who receive common schooling and the whole population of the state.

As to the mode of instruction, it is the opinion of distinguished individuals of experience in this State, that the course and subjects of study, ought to be left to the discretion of the district school officers and teachers. It is the practice in New York, where the laws, in relation to these matters, are silent. Mr. Roberts Vaux of Philadelphia, has given very valuable information on primary schooling, which will accompany this report. He recommends likewise the plan of a book, to be composed purposely for the use of schools, and to be widely diffused among them, with a motto, which the illustrious Penn. founder of our state, placed on the seal of the first and only literary incorporation, granted by him, in the city and county of Pennsylvania, about 150 years ago: "*Good instruction is better than riches.*" The force, beauty (and truth) of the sentiment, says that gentleman, has lost nothing by the lapse of time, nor by the experience of mankind.

Your committee believe that a book which shall contain the duty of a child or adult, towards his Creator, his parents and teachers, and when arrived to manhood, his political and social duty, as voter, juror, arbitrator, &c., with like admonitory instructions to females, might be advantageously recommended and circulated by the superintendents of schools. This would contribute to the formation of good morals, and add to the instruction of the children. Let the children be kept constantly in mind of the necessity of self control, obedience to parents, and wherever else obedience is due; nor should the masters or mistresses neglect *manners*. Early attention to *manners*, leads to a better deportment towards each other, in periods of life when decorum becomes a matter of social duty and civilization. At home and abroad, *manners* perhaps too much neglected by those who have the care of the rising generation, will in all future intercourse with mankind, be highly beneficial.

In concluding these remarks, your committee advert, with very great pleasure, to the spirit and zeal for universal education, which are at this moment animating all

our own country, and many parts of Europe. Not an address is sent from the State Executives, to their Legislatures, without an exhortation in favour of this important object. One Governor calls the establishment of a system of universal education "a master stroke of policy." "If people would value it as they ought," says the distinguished president of the university of Transylvania, in Kentucky, "instead of placing it low down on the list of dispensables, teachers and scholars would press forward to honour and profit by the system; the future men and matrons of our beloved country, would take their stations in life, intellectually fitted to perform, steadily, soberly, and of course usefully, their several duties." In short, all depends "upon the prevalence of an enlightened and liberal public sentiment with regard to the value of education. It is, if the people knew it, the best source of *wealth*. *Knowledge is wealth*, as well as *power*. *Intelligence and wealth* sustain to each other, the relation of cause and effect."

For this reason it is, that many of the royal governments of Europe are taking vast pains to enlighten their subjects. England is engaged in maturing a general system. Prussia has already perfected hers. In that kingdom, in the year 1829, there were twenty-eight seminaries, with 1500 pupils, intended for teachers, which furnished 600 annually besides many private seminaries engaged in the same work. The whole number of teachers in Prussia, for a population of thirteen millions, is 22,000. The annual demand is 900. By common consent, the profession of teaching is allowed to rank there with the liberal professions.

In France, general education has been resorted to, for the purpose of suppressing crime. The courts of criminal justice of that country tried, in the year 1831, seven thousand six hundred and four cases, out of which, four thousand six hundred could neither read nor write; two thousand and forty-seven possessed a very imperfect knowledge of reading and writing, and one hundred and ninety only, had received a superior education, out of whom, sixty-nine were acquitted. These results induced the French government to establish elementary schools in every *commune*, or township, throughout France.

Considering, then, our own great deficiency in Pennsylvania, the numerous solicitations from our fellow citizens, and the bright examples set us both in America and Europe, your committee recommend, with great earnestness, to the Legislature, the passage of the bill now reported, or some other of a character suited to the subject; so that this session may not close, without enacting a law which shall serve as a *beginning* to a system of education, that may from year to year be increased, until it becomes co-extensive with the State, and commensurate to the wants of the people.

All which is respectfully submitted,

AN ACT TO ESTABLISH A GENERAL SYSTEM OF EDUCATION BY COMMON SCHOOLS.

Whereas, universal education would operate as a powerful check upon vice, and would do more to diminish the black catalogue of crimes than any other measure, whether for prevention or punishment: And whereas, it is enjoined by the constitution, as a solemn duty, which cannot be neglected without a disregard of the moral and political safety of the people: And whereas, the fund for common school purposes, under the act of the second of April one thousand eight hundred and thirty-one, will, on the fourth of April next, amount to the sum of five hundred and forty-six thousand five hundred and sixty-three dollars and seventy two cents, and will soon reach the sum of two millions of dollars, when it will produce an interest of one hundred thousand dollars, which, by said act, is to be paid for the support of common schools: And whereas, provision should be made by law for the distribution of the benefits of this fund,

to the people of the respective counties of the Commonwealth: Therefore,

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:

Section 1. That the city and county of Philadelphia, and every other county in this Commonwealth, shall each form a school division; and that every ward, township or borough, within the several school divisions, shall each form a school district, each of which shall contain a competent number of common schools for the education of every child within the limits thereof, who shall apply, by his or her parents or guardian, for admission and instruction.

Section 2. It shall be the duty of the sheriff of each county, thirty days previous to the election of supervisors in the respective townships, of town council in the respective boroughs, and of constables in the respective cities of this Commonwealth, to give notice by proclamation, to the citizens of each school district, to hold elections in their respective townships, wards and boroughs, at the places where, and at the time when, they hold their elections for such supervisors, town council and constables, to choose six citizens of each school district, to serve as school directors of said districts, respectively; which elections shall be conducted and held by the same persons, and in the same manner as such elections for supervisors, town council and constables, are by law held and conducted.

Section 3. It shall be the duty of the said school directors, within ten days after the period of their first election, to meet in their respective school districts, when each board shall choose, out of their own body, a president and secretary, and a delegate to the joint delegate meeting provided for in the following section; and it shall be the duty of each board, on the day of their first assembling as aforesaid, to divide themselves into three classes, the first of which shall serve until the next election, the second until the second election, and the third until the third election following, so that one-third of each board may be chosen annually; and if any vacancy shall occur, by death or otherwise, it shall be the duty of the board in which such vacancy may occur, to fill the same, who shall serve as a school commissioner until the next election.

Section 4. On the first Monday in May, in each year, there shall be held, in each division, a joint meeting of the county commissioners and one delegate from each board of school directors within said county or school division; in which, it shall be decided whether or not a tax for the expenditure of each district be levied; and if a tax be authorized by a majority of the joint meeting, it shall be proportioned among the several districts, according to the number of taxable inhabitants in each district: each delegate to the joint meeting, shall be entitled to receive one dollar per day, for each day's attendance spent by him in travelling to and from, and attending said meeting; to be paid out of the county treasury.

Section 5. The appropriations made for the common schools, by the joint meeting, shall be considered part of the authorized estimates of county expenditures, and shall be levied and collected in the usual manner: Provided, that no tax shall be less in amount, than double the funds which may be furnished, as hereinafter directed, out of the treasury of this Commonwealth, in aid of common schools, organized according to the provisions of this act: And provided further, that to constitute a joint meeting, at least two of the county commissioners and a majority of the delegates of the school districts in each division shall be required; and if no quorum be present, it shall be lawful for them to hold further meetings until one is obtained.

Section 6. If it shall be determined by such delegate meeting, that no appropriation for common schools shall be made by a tax on the school districts of the division

or county, for the current year, the said division or county, for that year, shall receive no proportion of the school fund from the State, for that year; but such proportion of such school fund as would have gone to such division or county, if such appropriation had been made, shall go and be appropriated to such other divisions or counties in the Commonwealth, for that year, in the ratio of the taxables of such divisions or counties, as do by such delegate meetings determine to make such appropriation; and it shall be the duty of the county commissioners of each county, in each year after such delegate meeting may have been held, to communicate the proceedings thereof to the general superintendent: Provided, that in case it shall have been determined, by any such delegate meeting, that no appropriation for common schools should be made for the current year, the acts of Assembly to provide for the education of the poor gratis now in force, shall remain in force in such division or county, for the current year.

Section 7. Within twenty days after such joint meeting of the delegates as aforesaid, or at such time as such joint meeting shall fix and determine, if such delegate meeting shall have determined to make an appropriation as aforesaid, the people of the several school districts shall assemble in their respective wards or districts, at the usual place of holding ward or township elections, or at such place as may be fixed by such delegate meeting; and it shall be the duty of said delegate meeting, to give due notice of the time and place of holding such meetings of the people, in the said school districts. And the people of said districts, when so assembled, shall be organized by appointing a chairman, and the secretary of the board of directors of the proper district shall be secretary of the said meeting, and shall record the proceedings of such meeting, in the book of minutes of the said board; or in his absence, that duty shall be performed by some other director of the said board. It shall be the duty of the board of directors, to communicate to such meeting, such matters in reference to the common school of the district, as may be important, which may be considered by such meeting; And it shall be in the power of the said meeting to decide, by a majority of votes, whether they will raise for the current year a sum in addition to that determined on by the delegate meeting aforesaid, to be applied to the common schools of the said district; and if such meeting shall so determine to raise such additional sum, it shall be the duty of the secretary to certify the same to the commissioners of the county, whose duty it shall be to add the same as an increase upon the assessment or tax of the said district, and the same shall be collected as county rates and levies are by law collected.

Section 8. It shall be the duty of the several boards of school directors, to determine the number of schools to be opened in their respective districts; to cause suitable buildings to be erected, purchased or hired, for schools; to appoint capable teachers at liberal salaries; to admit scholars; to have the general superintendence of the schools of their respective districts; to pay the necessary expenses incurred thereby, by orders drawn on their treasurer, signed by the president, and countersigned by the secretary of the respective boards. Provided, that no school director shall receive any emolument whatever, for his services, except when serving as a delegate, according to the provisions of this act; but he shall be exempted, during the performance of the duties of said office, from militia duty, or serving in the offices of constable, supervisor, or overseer of the poor.

Section 9. Whereas, manual labor may be advantageously connected with intellectual and moral instruction, in some or all of the schools, it shall be the duty of the school directors to decide whether such connection in their respective districts shall take place or not; and if decided affirmatively, they shall have power to purchase materials and employ artisans for the instruction of the pupils in the useful branches of the mechanic

arts, and where practicable, in agricultural pursuits: Provided, nevertheless, that no such connection shall take place in any common school, unless four out of the six directors of the district shall agree thereto.

Section 10. It shall be the duty of each board of school directors, by two or more of their number, to visit every school within their school district; at least once in every month, and cause the result of said visit to be entered in the minutes of the board; and it shall be their further duty, to make an annual and full report to the district inspectors, to be appointed as hereinafter directed, of the situation of each school in their district, the number of scholars, the studies pursued, and whether in connection with manual labor, the number of months in the year the school shall have been opened, the expenses attending each school, salary of the teacher, and his or her qualifications and general conduct, together with such information as may be beneficial in forming a just estimate of the value of such schools; and this report to the said inspectors, shall be made on or before the first day of October in each year.

Section 11. Annually on the first Monday in April, the District Court of the city and county of Philadelphia, shall appoint two competent citizens of each school district in the school division, composed of the city and county of Philadelphia, to be inspectors of the public schools therein; and a similar duty shall be performed by the several courts of Common Pleas in this Commonwealth, annually, at their first session after the election of school directors for each district within their respective counties or divisions.

Section 12. It shall be the duty of the school inspectors to visit every school in their respective districts, at least once in every three months, and as much oftener as they may think proper, to inquire into the moral character, learning and ability of the several teachers employed therein; they shall have power to examine any person wishing to be employed as a teacher, and if found qualified and of good moral character, shall give him or her a certificate to that effect, naming therein the branches which he or she is found qualified to teach, which certificate shall be valid for one year from the date thereof, and no longer; and no person who shall not have obtained such certificate, shall receive from the county treasury or the treasury of the Commonwealth, any compensation for his or her services.

Section 13. The inspectors of any school division may meet at such time and places as they may deem expedient, and adopt such rules for the examination of teachers and schools, and prescribe such forms for certificates as they may deem necessary to produce uniformity in such examinations and certificates throughout the school division; and they may, if they deem it expedient, appoint days for the public examination of teachers, and require all teachers to be examined in public; and said inspectors, or any one of them, may visit all district schools in their school divisions, and examine the same.

Section 14. Whenever the inspectors meet together, as they are empowered by the preceding section, they shall organize themselves for the proper transaction of business, and each inspector shall be governed by the rules then adopted in his examinations, and observe such forms, in his certificates, as shall be prescribed by the majority of the inspectors of the school division thus assembled; and no certificate of qualification shall be given by the inspectors, or any of them, to any teacher, unless he or she be found qualified to teach reading, writing, and arithmetic.

Section 15. The school inspectors shall minutely examine into the state and condition of the schools, both as respects the progress of the scholars in learning, and the good order of the schools; give their advice to the school directors as to the government thereof; make an annual report to the superintendent of the public schools, on or before the first Monday in November, of the situa-

tion of the schools in their respective districts, founded on their own observations; and the report of the respective school directors, to include the character of the teachers; the number of scholars admitted during the year in the several schools under their inspection; the branches of study taught in each school; the number of months in the year during which each school shall have been kept open; the cost of school houses, either for building, renting or repairing, and all other costs that may have been incurred in maintaining the several schools in their respective districts; and also shall cause the same to be published in the school division, at the expense of the respective city or county.

Section 16. The Secretary of the Commonwealth shall be superintendent of all the public schools established by virtue of this act, and he shall perform the following duties:

I. Prepare and submit an annual report to the Legislature, containing a statement of the condition of the common schools, estimates and accounts of expenditures of the school moneys, plans for the improvement of the common school system, and all such matters relating to his office of superintendent, and to the concerns of the common schools, as he shall deem it expedient to communicate.

II. He shall prepare suitable blank forms, with necessary instructions for making district and division reports, and for conducting the necessary proceedings under his jurisdiction, and he shall cause the same, together with all such information as he may deem necessary for the further improvement of the schools, to be transmitted to the several boards of directors.

III. He shall sign all orders on the state treasury, for the payment of moneys into the county school funds; but no such order shall be drawn, until the county commissioners shall have furnished him with a certificate, which they are hereby required to do, of the amount of school tax having been paid into the county treasury, according to the provisions of this act.

IV. If any controversy shall arise, in relation to the assessment and collection of taxes, the distribution of public money, the formation of districts, or any other cause connected with common schools, an appeal to the superintendent shall be made, who is hereby authorized to settle and adjust all such disputes, without cost to the parties; and all money reasonably expended by him, in this and other matters appertaining to the execution of his duty as superintendent, shall upon due proof, be allowed to him by the auditor general, and paid out of the state treasury.

Section 17. That the county commissioners shall whenever a school division is formed, transmit all accounts audited by the proper officer, to the superintendent, once every year, on or before the first day of November.

Section 18. That the superintendent shall, immediately after the passage of this act, send a circular letter to the colleges and principal academies of this Commonwealth, requesting to know how many young men between the ages of sixteen and twenty, can be instructed at each, in a suitable manner for becoming teachers of common schools, and to obtain from those institutions the cost of such instruction, whether connected with manual labor or otherwise; from among which, he shall select such as may agree to form twenty-five or more teachers each, in two years, at an annual expense that shall not exceed forty dollars per annum, for each student: Provided, that the whole cost for teaching as aforesaid, shall not in any one year exceed eight thousand dollars, which sum is hereby appropriated annually, for two years, it being the intention of the Legislature in making this appropriation, to commence a plan that may lead to a future supply of suitable teachers; and the superintendent is hereby authorized and directed to fill up all the vacancies in all the colleges of this Commonwealth that are bound to instruct young men gratis, and to make known by advertisements, in the

newspapers and otherwise, the provision of this section, that young men of good moral character may make application to him to be instructed as aforesaid.

Section 19. That no individual thus applying shall be admitted, however, unless between the ages of sixteen and twenty-one, nor remain for a longer period, than two entire years; and every pupil receiving instruction as aforesaid, shall be required, before he commences his studies, to engage himself, by his parent or guardian, to perform the duty of a teacher in the public schools of this Commonwealth, for the term of two years, or in default, to pay to the treasury of this Commonwealth, twice the amount of the usual college expenses for instruction, which penalty shall be sued for and recovered from the parent or guardian aforesaid.

Section 20. As soon as conveniently may be, after their appointment, the teachers of the several districts shall meet in their respective school divisions, and adopt a uniform course of study, to be pursued in every school in the division: Provided, that no course shall be adopted which has not been first submitted to the superintendent for his approbation, and shall not have received the assent of a majority of the teachers of said school division.

Section 21. thousand dollars are appropriated this year, out of the school fund, to cover the expense of such school districts as may be immediately organized, and the cost of forming teachers as herein provided for; and the sum of dollars is hereby appropriated and directed to be paid by the proper officer, out of the treasury of this Commonwealth, to the superintendent, when he shall draw his warrant therefor; and the said school fund, under the like provisions and restrictions, shall be chargeable with thousand dollars for the year eighteen hundred and thirty-five, which sum shall be annually thereafter appropriated and paid as aforesaid, until the year when the school fund shall yield an interest of one hundred thousand dollars annually, when that sum shall be distributed in each year, amongst the school divisions created by the adoption of this act, in manner following: The superintendent of common schools shall give notice, in at least one public newspaper in every school division within this Commonwealth, for the space of three weeks, of the sum to which such division may be entitled, having reference in such distribution to the number of taxable inhabitants in said division, and these funds shall be again distributed to the different districts, in proportion to the taxables of said district; and as soon as practicable thereafter, the directors of said school fund shall cause the distributive share of each school division to be paid to the treasurer thereof, which share shall be apportioned amongst the respective districts of the several divisions, by the joint meeting thereof, according to the said principle of distribution prescribed for the superintendent.

Section 22. The county commissioners of each county in the Commonwealth, shall have power to take and hold, in fee simple or otherwise, any estate, real or personal, which shall be given by any person or persons, or bodies corporate, for the use of any school division or district within the said county.

Section 23. That it shall be the duty of the treasurer of each county, for the time being, to receive all the moneys, from whatever sources they may arise or become due, that are to be applied to the support of any school or schools created under the provisions of this act within said county; and he shall keep a just and true account of all his receipts and payments, which the auditors of the county shall audit, settle and adjust, in like manner as they shall audit, settle and adjust his accounts, as county treasurer; which accounts, so audited, shall be transmitted to the superintendent of common schools by the county commissioners, as directed by this act. And the said treasurer's accounts shall contain a true statement of all moneys received during the year, for the use of any school or schools of any division or district of his county; designating, in said accounts, from

what sources said moneys have been derived, and to what uses they have been applied; and such account shall be sworn or affirmed to by him.

Section 24. Every board of school directors shall draw their order on the county treasurer, for expenses incurred by them, to the order of the person or persons to whom the amount may be due, and shall plainly designate the service or services on account of which the said order is drawn; the bond of said treasurer shall be forfeited, by any failure to comply with the duties enjoined upon him by this act; and upon settlement of the account of such treasurer, if any balance is found due by him, the transcript of such balance may be filed in the court of Common Pleas of the proper county, and the same shall be a lien upon the real estate of such treasurer, in like manner as balances due by him to the county and Commonwealth, are made liens by act of Assembly.

Section 25. So much of any act of the General Assembly as is hereby altered or supplied, is hereby repealed, except the act and its supplements now in operation in the city and county of Philadelphia, entitled "An act to provide for the education of children at the public expense, within the city and county of Philadelphia," which are in no wise to be considered as altered, amended or repealed, but shall be concurrent with the provisions of this act.

(To be continued.)

From the Philadelphia Gazette.

ANNUAL REPORT OF THE NORTHERN DISPENSARY, FOR THE YEAR 1833.

There have been under the care of the Dispensary from January 1st, to December 31st, 1833, eight hundred and twenty patients, viz:

Remaining under care from last year,	10
Admitted since that time,	810
	— 820
Of whom the number Cured is	736
Relieved,	30
Irregular,	15
Dead,	24
Sent to Hospital,	4
Remaining under care, 11	— 820

RECEIPTS.

Balance in the Treasury last year,	\$272 27
Annual Contribution,	216 00
Life do. Abraham Lower,	30 00
Do. do. Thomas H. Yardley, M.D.	30 00
Legacy of James King	\$500 00
Less State Tax of 2½ per cent.	12 50
	— 487 30
Income on Wills' Legacy,	302 07
Interest on Bond Stocks,	268 92
Principal of do., sold or paid off,	5,178 94
Quarter's rent of house,	27 50
Fixtures and Medicines sold Apothecary,	21 83
	— \$6,835 03

EXPENDITURES.

Medicines and Apothecary's Salary,	\$306 30
Bleeding, Cupping and Leeching,	259 40
Printing,	15 00
Instruments and box,	8 25
Sundries,	2 62
Furniture,	110 00
Real Estate, taxes and repairs,	4,525 32
Collector's commissions,	17 70
Stock, Lehigh Loan,	1,278 80
Balance in the Treasury,	311 64
	— \$6,835 03

JOS. S. RILEY, President.

THOMAS TRIMMINS, Secretary.

ATHENÆUM.—Nineteenth Annual Report.

The Directors of the Athenæum, in compliance with the requisitions of the Charter, submit to the Stockholders a statement of the receipts and expenditures, and general condition of the Institution, for the past year.

It appears from the Treasurer's accounts herewith presented, that the amount received during that period is three thousand and seventy-eight dollars, fifty cents, viz.

From 413 Stockholders,	\$1,652 00
Arrears,	78 00
78 subscribers for a year and portions of a year,	526 00
Transfers,	5 00
Interest on Stock, exclusive of Lehman fund,	567 50
Sale of ten shares,	250 00
	— \$3,078 50

The disbursements have amounted to three thousand and twenty-five dollars fifty-seven cents, viz:

For Books, Magazines, Foreign Periodicals, and English Newspapers,	524 60
For American Newspapers,	408 37
Binding,	72 19
Lights,	287 82
Fuel,	66 00
Postage,	128 45
Furniture,	146 25
Incidental exp'es and wages of messengers,	190 49
Rent,	475 00
Librarian's Salary,	600 00
Commissions on collections,	125 40
	— \$3,025 57

The amount of capital invested in stocks and mortgages is twenty-two thousand five hundred and twenty-eight dollars twenty-one cents. Twelve thousand four hundred and fifty-three dollars and forty-five cents of this sum is the present amount of the principal and interest of the legacy of the late William Lehman, appropriated specifically by the terms of the bequest, "for the construction of a suitable building" for this institution.

The accommodations now enjoyed by the Athenæum, though in many respects highly desirable, do not afford sufficient room for its increasing Library, nor that protection from fire, which the Directors feel it their duty to provide. An effort has lately been made to induce the literary and scientific societies to unite with this institution in the construction of a *fire proof edifice*, for the safe keeping of their valuable libraries and cabinets, and the more ample convenience of their stockholders and visitors. This plan has been received with approbation by our fellow citizens, and though obstacles have arisen to its immediate adoption, it is yet hoped that the publicity given to it may lead to its completion at no distant day.

During the last year a valuable addition has been made to the Library of the Athenæum of 500 volumes, bequeathed by John L. Harris of Burlington, New Jersey.

It has been the object of the Directors to make the Athenæum an agreeable resort for strangers sojourning in our city, and they are gratified to find that in the past twelve months, upwards of eleven hundred gentlemen have been introduced.

In conclusion it is satisfactory to be enabled to remark, that this establishment has been eminently instrumental in the cultivation of a literary taste in Philadelphia, and of affording the means for the indulgence of that taste in the most economical and substantial manner. These are important considerations, especially for young persons, who are thereby induced to pass their evening hours of leisure in the acquirement of valuable knowledge within the walls of this useful Institution. On behalf of the Board of Directors.

ROBERTS VAUX,
CLEMENT C. BIDDLE,
WM. M. MEREDITH,
Committee.

Philad'a, Jan. 29th, 1834.

STATEMENT OF DEATHS, WITH THE DISEASES AND AGES,

In the City and Liberties of Philadelphia, from the 1st of January, 1833, to the 1st of January, 1834.

DISEASES.	Males.	Females.	Boys.	Girls.	Under 1 year.	From 1 to 2.	From 2 to 5.	From 5 to 10.	From 10 to 15.	From 15 to 20.	From 20 to 30.	From 30 to 40.	From 40 to 50.	From 50 to 60.	From 60 to 70.	From 70 to 80.	From 80 to 90.	From 90 to 100.	From 100 to 110.	TOTAL.
Abscess	16	5	4	1	0	0	3	0	2	0	1	2	7	2	4	0	0	0	0	21
Apoplexy	34	21	2	1	2	1	0	0	0	0	2	8	12	7	8	11	3	0	0	55
Aneurism	4	1	0	0	0	0	0	0	0	0	2	2	0	1	0	0	0	0	0	5
Asphyxia	5	0	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Asthma	3	5	1	0	0	0	0	0	0	1	0	1	3	2	0	1	0	0	0	8
Atrophy	12	6	0	0	0	0	0	0	0	0	2	2	2	4	4	0	0	0	0	18
Bronchitis	23	14	15	11	17	6	1	2	0	0	1	2	1	3	3	0	1	0	0	37
Burns	14	16	11	12	1	7	9	3	2	1	5	1	1	0	0	0	0	0	0	30
Consumption	342	308	54	50	19	12	18	7	13	35	186	157	97	48	46	9	2	1	0	650
Convulsions	147	119	130	96	154	32	28	9	1	2	13	11	8	4	1	2	1	0	0	266
Croup	53	42	50	41	38	22	27	4	0	0	1	1	0	0	1	0	0	0	0	95
Cancer	5	26	1	3	0	0	3	1	0	0	1	7	8	6	3	1	1	0	0	31
Catarrh	14	12	13	11	16	7	1	0	0	0	0	0	1	0	0	1	0	0	0	26
Congestion	1	1	0	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
of the Lungs	4	3	2	3	4	0	0	1	0	0	1	1	0	0	0	0	0	0	0	7
Brain	10	12	6	11	5	2	5	4	1	0	1	1	0	1	2	0	0	0	0	22
Concussion of the Spi ^l Mar.	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Brain	2	1	0	1	1	3	0	0	0	0	0	1	1	0	0	0	0	0	0	3
Compression of the Brain	1	1	0	1	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2
Contusion	2	1	0	1	0	0	0	0	1	0	2	0	0	0	0	0	0	0	0	3
Cholic	7	1	2	0	2	0	0	0	0	0	3	1	0	0	2	0	0	0	0	8
Child-bed	0	6	0	0	0	0	0	0	0	0	2	3	1	0	0	0	0	0	0	6
Caries	3	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	3
Casualties	16	5	3	2	0	2	0	0	2	1	6	4	3	1	0	2	0	0	0	21
Cachexia	2	6	1	2	2	1	0	0	0	0	1	1	0	1	1	0	1	0	0	8
Cephalgia	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Cholera Infantum	97	100	97	100	132	59	6	0	0	0	0	0	0	0	0	0	0	0	0	197
Morbus	3	6	0	0	0	0	0	0	0	0	0	1	2	3	2	1	0	0	0	9
Dropsy	42	38	7	4	1	0	3	2	2	3	7	13	10	21	11	4	3	0	0	80
in the Head	87	83	87	83	60	51	37	18	2	2	0	0	0	0	0	0	0	0	0	170
Breast	29	23	4	6	2	1	3	0	2	2	3	8	7	9	3	8	4	0	0	52
Debility	100	89	76	69	135	6	2	0	0	2	3	4	11	5	4	8	8	1	0	189
Dysentery	25	19	8	7	4	4	3	2	2	0	6	5	2	8	3	4	1	0	0	44
Drowned	53	2	15	1	0	1	3	2	8	2	11	25	2	0	0	1	0	0	0	55
Decay	2	4	1	0	1	0	0	0	0	0	1	1	1	0	1	1	0	0	0	6
Dyspepsia	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Dyspnœa	1	1	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Diarrhœa	45	42	21	25	25	11	6	2	1	6	8	5	6	5	7	3	1	0	0	87
Drinking Cold Water	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Drunkennes	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Disease of the Brain	13	5	9	2	4	3	3	0	1	0	1	3	1	2	0	0	0	0	0	18
Heart	11	13	2	2	0	0	0	1	0	3	2	7	2	2	5	2	0	0	0	24
Hip	1	1	0	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	2
Throat	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Chest	2	2	0	0	0	0	0	0	0	0	1	2	0	0	0	1	0	0	0	4
Liver	1	3	0	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	4
Stomach	3	1	0	0	0	0	0	0	0	0	1	0	1	0	2	0	0	0	0	4
Spine	4	3	2	2	1	1	1	0	0	1	1	0	1	0	0	0	0	0	0	7
Bowels	4	1	2	1	3	0	0	0	0	0	1	0	0	1	0	0	0	0	0	5
Wind-pipe	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Nerves	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Eyes	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Uterus	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Glands	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Neck	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Enlargement of the Heart	2	2	0	0	0	0	0	0	0	0	2	0	1	1	0	0	0	0	0	4
Liver	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Erysipelas	9	8	3	5	6	0	0	0	2	0	3	0	2	0	1	1	2	0	0	17
Eruptions	4	4	4	4	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Epilepsy	9	6	3	1	2	0	0	0	2	0	4	3	2	1	0	1	0	0	0	15
Effusion on the Brain	3	2	2	1	0	0	1	0	0	2	0	2	0	0	0	0	0	0	0	5
Lungs	3	0	0	0	0	0	0	0	0	0	0	0	1	1	0	1	0	0	0	3
Excess of Heat	0	1	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Fever	26	20	11	6	5	3	3	4	1	1	9	5	6	1	4	3	1	0	0	46
Typhus	47	37	3	9	0	0	1	3	5	5	24	21	13	6	4	1	1	0	0	84

(Continued.)

STATEMENT OF DEATHS—CONTINUED.

DISEASES.	Males.	Females.	Boys.	Girls.	Under 1 year.	From 1 to 2.	From 2 to 5.	From 5 to 10.	From 10 to 15.	From 15 to 20.	From 20 to 30.	From 30 to 40.	From 40 to 50.	From 50 to 60.	From 60 to 70.	From 70 to 80.	From 80 to 90.	From 90 to 100.	From 100 to 110.	TOTAL.
Fever Scarlet . . .	30	31	30	31	2	15	24	17	1	2	0	0	0	0	0	0	0	0	0	61
Bilious . . .	25	15	6	2	1	0	1	0	4	3	14	6	6	2	2	1	0	0	0	40
Catarrhal . . .	22	15	21	15	23	8	4	1	0	0	0	0	1	0	0	0	0	0	0	37
Remittent . . .	21	19	12	6	12	2	7	2	1	4	3	5	4	4	1	2	2	1	0	40
Intermittent . . .	3	4	3	1	12	0	2	0	0	0	0	1	0	0	0	0	0	0	0	7
Puerperal . . .	10	32	0	0	0	0	0	0	0	0	19	13	0	0	0	0	0	0	0	32
Eruptive . . .	2	2	0	0	1	0	1	0	0	0	0	0	0	1	1	0	0	0	0	4
Hectic . . .	3	2	1	0	0	0	0	0	1	0	1	1	1	1	1	0	0	0	0	5
Continued . . .	1	1	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	2
Putrid . . .	0	2	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	2
Fracture . . .	6	0	1	0	0	0	1	0	0	0	0	0	1	1	0	2	1	0	0	6
Found dead . . .	2	0	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Fungus Hæmatodes . . .	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Gout . . .	1	2	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	3
Hæmorrhage . . .	14	12	4	2	5	0	0	0	0	1	1	4	5	3	4	2	1	0	0	26
Hydrophobia . . .	2	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	2
Hernia . . .	1	3	1	0	1	0	0	0	0	0	0	1	0	1	0	1	0	0	0	4
Hypertrophy of the Heart . . .	1	2	0	1	0	0	0	0	0	1	0	1	0	0	1	0	0	0	0	3
Hypochondriasis . . .	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Inflammation . . .	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
of the Lungs . . .	97	69	55	35	48	18	18	4	0	2	15	10	13	19	5	12	2	0	0	166
Bowels . . .	66	69	55	28	28	8	11	7	3	6	23	16	9	7	8	6	2	1	0	135
Brain . . .	43	29	22	14	10	9	9	4	2	2	11	8	7	5	2	3	0	0	0	72
Stomach . . .	20	28	4	12	6	6	0	2	1	1	7	7	6	5	6	1	0	0	0	48
Liver . . .	10	8	1	0	1	0	0	0	0	0	2	3	4	6	1	1	0	0	0	18
Chest . . .	10	7	9	6	7	5	1	1	1	0	0	1	0	0	0	0	0	0	0	17
Throat . . .	1	2	0	2	2	0	0	0	0	0	0	1	0	0	0	0	0	0	0	3
Heart . . .	1	1	1	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Kidneys . . .	2	0	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2
Spine . . .	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2
Bladder . . .	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Ear . . .	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Wind-pipe . . .	1	2	0	1	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	3
Uterine Veins . . .	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Intemperance . . .	10	8	0	0	0	0	0	0	0	0	2	9	6	1	0	0	0	0	0	18
Introsusception . . .	2	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
Insanity . . .	2	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2
Inanition . . .	1	3	1	1	1	1	0	0	0	0	1	1	0	0	0	0	0	0	0	4
Irritation of the brain . . .	1	3	0	1	0	1	0	0	0	0	0	2	0	1	0	0	0	0	0	4
Bowels . . .	1	1	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Injury of the Perinæum . . .	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Spine . . .	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Jaundice . . .	6	7	3	5	6	0	1	1	0	0	2	1	0	0	0	1	1	0	0	13
Laudanum to excess . . .	7	9	2	2	1	1	0	0	1	1	8	3	0	0	1	0	0	0	0	16
Liver Complaint . . .	1	1	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2
Marasmus . . .	41	49	41	49	57	23	9	0	1	0	0	0	0	0	0	0	0	0	0	96
Mania . . .	0	4	0	1	0	0	0	0	0	1	0	1	2	0	0	0	0	0	0	4
Puerperal . . .	0	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
a Potu . . .	103	20	0	0	0	0	0	0	0	0	27	51	35	6	4	0	0	0	0	123
Mortification . . .	9	11	2	3	0	1	2	2	0	0	2	3	3	0	0	5	1	1	0	20
Malformation . . .	5	3	5	3	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Murdered . . .	3	2	0	0	0	0	0	0	0	0	2	2	1	0	0	0	0	0	0	5
Measles . . .	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Mumps . . .	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Necrosis . . .	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Old Age . . .	16	45	0	0	0	0	0	0	0	0	0	0	0	0	5	17	26	10	3	61
Ossification of the Heart . . .	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Aorta . . .	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Phlegmasia Dolens . . .	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Palsy . . .	18	22	1	2	1	0	1	0	1	1	5	3	5	11	7	5	0	0	0	40
Pleurisy . . .	4	4	0	1	0	0	0	0	1	0	1	0	0	3	2	1	0	0	0	8
Poisoned . . .	2	1	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	3
Perished from exposure . . .	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Polypus of the Nose . . .	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Rheumatism . . .	3	6	1	1	0	0	1	0	1	1	0	1	4	0	1	0	1	0	0	9
Rupture of Blood vessel . . .	2	1	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	5
Heart . . .	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1

STATEMENT OF DEATHS—CONTINUED.

DISEASES.	Males.	Females.	Boys.	Girls.	Under 1 year.	From 1 to 2.	From 2 to 5.	From 5 to 10.	From 10 to 15.	From 15 to 20.	From 20 to 30.	From 30 to 40.	From 40 to 50.	From 50 to 60.	From 60 to 70.	From 70 to 80.	From 80 to 90.	From 90 to 100.	From 100 to 110.	TOTAL.
Suffocation	3	4	1	4	5	0	0	0	0	0	0	1	1	0	0	0	0	0	0	7
Sudden	12	11	2	5	7	0	0	0	0	0	1	2	2	2	1	3	1	1	0	23
Scrofula	3	9	3	4	1	1	1	2	1	1	2	1	2	0	0	0	0	0	0	12
Syphilis	4	3	2	1	2	0	0	0	0	0	1	2	1	0	0	0	0	0	0	7
Suicide	12	6	1	0	0	0	0	0	0	1	8	8	1	0	0	0	0	0	0	18
Scalding	1	2	1	2	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	3
Still-born	186	126	186	126	312	0	0	0	0	0	0	0	0	0	0	0	0	0	0	312
Small-Pox	90	66	56	52	31	15	37	14	4	7	29	13	5	1	0	0	0	0	0	156
Scirrhus	0	2	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	2
of the Rectum	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Uterus	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Stomach	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Liver	0	4	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	4
Bowels	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Stricture of the Rectum	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Oesophagus	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Stroke of the sun	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Spina Bifida	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Severe treatment	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Teething	3	6	3	6	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Thrush	5	4	5	4	8	1	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Tympanitis	2	1	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	3
Tumour of the Brain	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Unknown	49	36	27	24	43	2	3	1	0	2	9	12	8	2	2	1	0	0	0	85
Ulcers	2	4	1	3	3	1	0	0	0	0	1	1	0	0	0	0	0	0	0	6
Ulceration of the Bowels	0	2	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	2
Stomach	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Windpipe	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Bladder	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Mouth	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Kidney	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Varioloid	8	4	4	4	5	1	1	0	1	0	4	0	0	0	0	0	0	0	0	12
Vomiting	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Whooping-Cough	26	27	26	27	28	10	12	3	0	0	0	0	0	0	0	0	0	0	0	53
Worms	2	5	2	5	0	2	2	1	2	0	0	0	0	0	0	0	0	0	0	7
Wounds	6	0	0	0	0	0	0	0	0	0	2	3	1	0	0	0	0	0	0	6
Total	2412	2028	1261	1084	1337	375	331	131	78	103	531	534	362	243	185	141	79	17	3	4440

Of the above there were males of 20 years and upwards, 1,151; under 20 years, 1,261; females of 20 years and upwards 944; under 20 years 1,084.

There were 406 returns received at the Health office, of persons who died in the Alms-House of the City and Districts during the year; 478 People of Colour are included in the total number of deaths.

Agreeable to returns made at the Health Office and collected from 157 Practitioners of Midwifery, there have been born in the City and Liberties, from the 1st of January, 1833, to the 1st of January, 1834, 3,840 males, and 3,802 female children, making the total number of births 7,642, leaving a difference between the births and deaths of 3,202.

DEATHS IN EACH MONTH OF THE ABOVE PERIOD.

	Adults.	Children.	Total.
January	203	192	395
February	152	168	320
March	180	186	366
April	175	148	323
May	178	179	357
June	141	209	350
July	224	362	586
August	162	240	402
September	167	180	347
October	199	161	360
November	166	149	315
December	152	167	319
Total	2099	2341	4440

By order of the Board of Health

WM. A. MARTIN, Clerk.

Health Office, Philad. Jan. 1st, 1834.

BIRTHS IN EACH MONTH.

	Males.	Females.	Total.
January	357	323	680
February	331	328	659
March	354	332	686
April	272	293	565
May	262	305	567
June	285	284	569
July	303	283	586
August	361	330	691
September	346	352	698
October	349	312	661
November	306	300	606
December	314	360	674
Total	3840	3802	7642

For tables showing the births in each month for ten years, as also some curious facts and calculations on this subject, see a paper entitled "Medical Statistics," by Gouverneur Emerson M. D. published in the American Journal of Medical Sciences for November 1831.

DOCUMENTS RELATING TO THE REMOVAL
OF THE DEPOSITS.

(Continued from page 91.)

Appendix to the Report of the Government Directors.

C.
TREASURY DEPARTMENT, }
September 26, 1833. }

Sir: Believing that the public interest requires that the Bank of the United States should cease to be the depository of the money of the United States, I have determined to use the State banks as places of deposit, and have selected for that purpose in the city of Philadelphia, the Girard bank.

You will therefore present the enclosed draught of a contract to that bank, and upon the execution of the contract you will forward it to this department. You will ask the aid of the District Attorney of the United States, who will see that the contract is executed in due form, under the corporate seal. The contract being executed, you will then deposit all of the public money which may come to your hands after the thirtieth day of this present month of September, in the bank above mentioned, until the further order of this department. You will also deposit in the said bank for collection all the bonds which may hereafter be taken for the payment of duties. You will also call on the Bank of the United States at Philadelphia, and receive from it all bonds heretofore given to the United States, which are payable on or after the first day of October next, and deposit them for collection in the aforesaid State bank. I send you herewith an order on the Bank of the United States for that purpose.

When the contract shall have been executed by the State bank, you will forward the enclosed letters to the Collectors at Bridgetown, Burlington, Great Egg Harbor, Little Egg Harbor, who have heretofore deposited the money received by them in the Bank of the United States.

You will continue to deposit as usual in the Bank of the United States until the 30th of this present month of September, inclusive.

You will keep a copy of the contract executed by the bank, and from time to time advise this department of any thing you may deem material to the public interest, connected with the change of the deposits.

Your obedient servant,

R. B. TANEY,
Secretary of the Treasury.

TO JAMES N. BARKEN, Esq.
Collector, Philadelphia.

D.
TREASURY DEPARTMENT, }
September 26, 1833. }

Sir: The Girard bank has been selected by this department as the depository of the public money collected in Philadelphia and its vicinity, and the Collector at Philadelphia will hand you the form of a contract proposed to be executed, with a copy of his instructions from this department.

In selecting your institution as one of the fiscal agents of the Government, I not only rely on its solidity and established character, as affording a sufficient guaranty for the safety of the public money entrusted to its keeping, but I confide, also, in its disposition to adopt the most liberal course which circumstances will admit towards other moneyed institutions generally, and particularly to those in the city of Philadelphia.

The deposits of the public money will enable you to afford increased facilities to commerce, and to extend your accommodation to individuals. And as the duties which are payable to the Government arise from the business and enterprise of the merchants engaged in foreign trade, it is but reasonable that they should be preferred, in the additional accommodation which the public deposits will enable your institution to give,

whenever it can be done without injustice to the claims of other classes of the community.

I am, very respectfully,

Your obedient servant,
R. B. TANEY,
Secretary of the Treasury.

To the PRESIDENT of the Girard Bank,
Philadelphia.

E.
TREASURY DEPARTMENT, }
September 26, 1833. }

Sir: You will deliver to the Collector at Philadelphia all bonds to the United States, payable on or after the 1st day of October next, which may be in your possession, on the receipt of this order.

I am, very respectfully,

Your obedient servant,
R. B. TANEY,
Secretary of the Treasury,
N. BIDDLE, Esq. *President Bank U. S.*,
Philadelphia.

COLLECTOR'S OFFICE, }
Philadelphia, Sept. 28, 1833. }

Sir: I had the honor to receive, last evening, your communication dated the 26th instant, in relation to the deposit of the public money and bonds for collection in this district, together with its several enclosures.

Agreeably to your direction, I this morning presented to the President of the Girard bank the letter addressed to him, with the draught of the contract, and a copy of the instructions received by me. The Board of Directors was, in consequence, convened at 12 o'clock; but, owing to the absence of some of the members, and the desire to have a full board, it adjourned to meet at half past 5 o'clock this evening; at that hour a full attendance of the Board took place, and the terms proposed were unanimously agreed to. I have, therefore, the honor to transmit the contract, executed in due form, after being submitted to the Attorney of the United States.

The late hour at which the instrument was completed, has made it necessary to postpone the execution of the remaining part of your instructions until Monday, when I shall proceed to withdraw the bonds deposited for collection, from the Bank of the United States, and place them in the Girard Bank.

The letters to the Collectors at Bridgetown, Burlington, Great Egg Harbor, and Little Egg Harbor, received with your communication, have been forwarded agreeably to your direction.

I am, sir, respectfully,

Your obedient servant,
J. N. BARKER, Collector.

The Hon. R. B. TANEY,
Secretary of the Treasury.

G.

Memorandum of an agreement made and entered into this twenty-eight day of September, in the year of our Lord one thousand eight hundred and thirty-three, between "the Girard Bank, in the city of Philadelphia," and the United States of America.

1st. The said bank agrees to receive, and enter to the credit of the Treasurer of the United States, all sums of money offered to be deposited on account of the United States whether offered in gold or silver coin, in notes of the Bank of the United States or branches, in notes of any bank which are convertible into coin, in its immediate vicinity, or in the notes of any bank, which it is for the time being in the habit of receiving.

2d. If the deposit in said bank shall exceed one-half of its capital stock actually paid in, it is agreed that collateral security, satisfactory to the Secretary of the Treasury, shall be given for its safe keeping and faith-

ful disbursement: Provided, That if the said Secretary shall at any time deem it necessary, the said bank agrees to give collateral security when the deposit shall not equal one-half the capital.

3d. The said bank agrees to make weekly returns of its entire condition to the Secretary of the Treasury, and to the Treasurer of the United States, of the state of his accounts, and submit its books and transactions to a critical examination by the Secretary, or any agent duly authorized by him, whenever he shall require it.

This examination may extend to all the books and accounts, to the cash on hand, and to all the acts and concerns of the bank, except the current accounts of individuals; or, as far as is admissible, without a violation of the bank charter.

4th. The said bank agrees to pay, out of the deposit on hand, all warrants or draughts which may be drawn upon it by the Treasurer of the United States, and to transfer any portion of that deposit to any other bank or banks employed by the Government within the United States, whenever the Secretary of the Treasury may require it, without charge to the Government for transportation or difference of exchange, commission, or any thing else whatsoever; but the Secretary of the Treasury shall give reasonable notice of the time when such transfer will be required.

5th. The said bank agrees to render to the Government, whenever required by the proper authority, all or any portion of the services now performed by the Bank of the United States, or which might be lawfully required of it in the vicinity of said contracting bank.

6th. If the Secretary of the Treasury shall think proper to employ an agent, or agents, to examine and report upon the accounts and condition of the banks in the service of the Government, or any of them, the said bank agrees to pay an equitable proportion of his or their expenses and compensation, according to such appointments as may be made by the said Secretary.

7th. Whenever required by the Secretary of the Treasury, the said bank agrees to furnish with all convenient despatch bills of exchange on London, payable at such sight as may be required, at the usual market price for the time being, without commission, or advance for the profit of said bank, or any charge whatsoever beyond the actual cost, the payment of said bills to be guaranteed by said bank.

8th. It is agreed that the Secretary of the Treasury may discharge the said bank from the service of the Government, whenever, in his opinion the public interest may require it.

In witness whereof, the said Girard bank, in the city of Philadelphia, has caused to be affixed its corporate seal, attested by the signatures of its President and Cashier, on the day and year first above written.

[L. s.] JAS. SCHOTT, President.
WM. D. LEWIS, Cashier.

H.

GIRARD BANK, }
Philadelphia, September 28, 1833. }

Sir: I have the honor to acknowledge the receipt of your favor of the 26th instant, informing me that you had selected this bank "as the depository of the public money collected in Philadelphia and its vicinity, and that the Collector would hand me the form of a contract proposed to be executed, with a copy of his instructions from your department.

The documents alluded to were accordingly furnished me this morning, and the contract has been duly executed on behalf of this bank, by order of the Board of Directors. It will doubtless reach you, through the medium of Major Barker, by the mail which conveys this.

In making the present announcement, I take occasion to express the high sense entertained by the directors of this institution of the honor conferred upon

it by so distinguished a mark of your confidence, and to tender you the assurance that the duties we are about to undertake, will be performed faithfully, and according to our best ability and judgment.

I remain, very respectfully,

Your obedient servant,

JAS. SCHOTT, President.

Honourable R. B. TANEY,

Secretary of the Treasury, Washington.

(To be continued.)

DANVILLE AND POTTSVILLE RAIL-ROAD.

Report of the Committee on Inland Navigation and Internal Improvement, Relative to the Danville and Pottsville Rail-road.—By Mr. Keating. Read in the House of Representatives, Jan 29, 1834.

The committee on inland navigation and internal improvement, to whom were referred memorials from the board of Managers of the Danville and Pottsville rail-road company, and from a large number of citizens of Northumberland, Schuylkill and other counties, praying for aid on the part of the State to the said road,

REPORT.

That in order fully to appreciate the claims of the company upon the State, for assistance in their operations, it becomes necessary to enquire into the objects of the work, the difficulties to be encountered, the progress that has been made, and the benefits which the State at large may derive from its completion.

The object of the road appears to be to add another connexion to those now completed or in progress between the waters of the Schuylkill and those of the Susquehanna—between the interior and the seaboard—between the inland counties of Pennsylvania and its great commercial metropolis. If your committee have rightly understood the objects of internal improvements, they consist first in facilitating the navigation of our streams, and assisting the descent of produce down our great valleys, and secondly in connecting the inhabitants of remote valleys by transverse lines, passing from one stream to another. Of these, the first are the easiest achieved; the course of trade will naturally effect them; as soon as the accumulation of produce becomes sufficiently great, it will (unaided by any extraneous power) break down all obstructions, and open its way to market. But the accomplishment of the transverse lines is of a different character. The gravity of the trade, may be considered as opposing rather than facilitating their execution. Its tendency being to float down stream, it requires extra aid and assistance to divert it from its natural channels, and to carry it across from one valley to another, if such an object be deemed desirable.

That this result is important, in a country of large extent like the United States, and that it is highly desirable in a State situated as is Pennsylvania, are propositions which your committee deem too plain to require proof. If these facilities be not given, reason teaches and experience proves, that while the trade of the northwestern counties of this State will tend to the lakes, and thence pass to the Atlantic by northern channels, the productions of the Allegheny and the Monongahela, with their several tributaries, will float thousands of miles down the waters of the Mississippi to the Gulf of Mexico, at less expense than is required to carry them a few hundred miles across to the waters of the Atlantic. In like manner, the produce of the Susquehanna tends to the Chesapeake, with greater force than to the Delaware, though the tongue of land between the two valleys be but of very moderate width.—Such transverse lines may be considered as the great braces which bind together the distant parts of the State. They serve to connect, by the strong ties of mutual interest and frequent intercourse, the inhabitants of the different valleys of Pennsylvania, and to induce them to

carry to the Delaware the productions which would otherwise seek a market in Quebec, New York, Baltimore, or New Orleans. The fostering of this commercial and social connexion is, in the opinion of your committee, one of the first duties of the State; and if judiciously executed, it can scarcely be carried too far. From the earliest days of our republic, it has engaged the attention of our statesmen. It should never be lost sight of, until the whole trade of our northern and western counties shall be made to flow to the southeast, until the produce of Lake Erie and of the Allegheny shall be fully conducted into the valley of the Susquehanna, and from the latter into that of the Delaware.

Where nature has refused, or stinted the means of making or supplying canals, art and science have provided measures of nearly equal, if not (as some suppose,) of superior advantage, by means of railroads.

The connexion of the Susquehanna with the Schuylkill, was contemplated at an early period; and the commencement of a work to effect it so early as '93, is one of the striking evidences of the great importance which the generation that preceded us, ascribed to this connexion. At that time, rail roads were (for all practical purposes of trade,) unknown and unthought of; and hence the connexion of the valley of the Susquehanna, at or near the point of junction of its two great branches with the valley of the Schuylkill, was not contemplated. But from the moment that rail roads were first suggested as substitutes for canals, and long before their merits were generally understood, a few bold and original minds immediately pointed out the immense advantages which they were likely to produce to the whole world, but chiefly to the United States, and perhaps to none of the States more than to Pennsylvania.

Among these men, of mind sufficiently enlarged to grasp at new and yet undeveloped schemes, was the late Gen. Daniel Montgomery, who at once perceived the advantages of such an improvement to the section of country in which he lived, and who, having once seen it, spared no effort to effect its accomplishment. From that moment, to the last period of his valuable existence, the best energies of his mind were uninterruptedly devoted to it.

With this view, he was active in obtaining from the Legislature, in 1828, directions to the canal commissioners "to cause to be made surveys, examinations and estimates from some point on the Schuylkill canal to a point or points on the Susquehanna river, between Catwissa and Sunbury," with a view to facilitate the formation of a company, for the incorporation of which, he had succeeded in obtaining the law of April 8th, 1826. Those surveys were made in 1828, by Moncure Robinson, Esq., an engineer well known to all, as having received repeated evidences of the confidence of the Legislature of Pennsylvania.

At that time, it was believed that the efforts of a private corporation, unassisted by public funds, would suffice to effect the desired object: with this view, the matter was no further pressed upon the Legislature, and private capital was sought to accomplish this great public improvement. In 1831, the company went into operation. The largest contributor to it was the late Stephen Girard; a man whose powerful and enterprising spirit was such, as fully to estimate the value of such a scheme. After carefully enquiring into its merits, and weighing them with his usual deliberation, he became a large stockholder in the company; having, no doubt, in view at the time, to drive on the work with his accustomed perseverance, until it should reach the valuable landed property which he had recently acquired in Schuylkill county. How far he would have gone beyond this point, if he had lived, it is impossible to ascertain, and therefore unnecessary to enquire. But the spirit which influenced the actions of this keen-sighted capitalist, to leave no part of his valuable estate unim-

proved, and to cause the whole of it to pour its productions into the great reservoir of his wealth in Philadelphia, should induce the State to promote, in like manner, a scheme which is greatly to advance the value of its property.

Your committee have not viewed it as a mere question of investment, to determine what per centage it would yield upon the capital embarked in it. The State has, we apprehend, other and greater interests at stake, and derives other and more valuable benefits from such works, than the mere dividend to be obtained from them.

An inspection of the maps of New York and Pennsylvania, must satisfy us that all the trade of the southern part of the State, of all that lies south of Seneca lake, will find a nearer and better market in Philadelphia, than in the city of New York; provided the means of communication are opened.

The nearest route is undoubtedly down the valley of the Schuylkill, and all that is requisite is a short and direct communication from the Susquehanna to the head waters of the Schuylkill. None such is now opened, at a higher point than Middletown and Reading; and it cannot be denied that it is the interest of the State, that a higher communication should be made. Looking at the immense trade which must eventually be carried on between the valleys of the Susquehanna and Schuylkill, the committee are of opinion that too many lines of communication cannot be opened, and that the trade will increase in the ratio of the number of avenues that are opened for it.

The works of the company have been driven with the highest intelligence and activity. The route was located by their engineer, Mr. Robinson, on or near the line of his original surveys. A considerable portion of it is now completed, and in full operation. This includes no less than six inclined planes, of an unusually bold construction, a tunnel of great beauty, and a line of road surpassed by none in the world, for the wildness of the country in which it was executed, and for the difficulties which have been successfully overcome. The road is now completed as far as Girardville, and an extensive coal business will be carried on upon it, next season. By this work, the great coal region beyond the Broad Mountain (which until now was inaccessible) is connected with the improvements on the Schuylkill. The question presents itself, whether this fine work is to remain unfinished, or to be continued until it shall reach the waters of the Susquehanna. The importance of this line having been made manifest, by the surveys executed under the sanction of the State; by the formation of a private company to achieve the proposed object; by their zealous attempts to accomplish it, and by the signal success that has hitherto attended their operations; it would seem to be the duty of the State, to lend its assistance to forward the completion of the road.

In presenting these views, the Committee are influenced by a due regard for the interests of the State, and for the merits of the company; whose means to finish it are evidently inadequate.

By the completion of this road to the waters of the Susquehanna, the great coal regions on the Shamokin and Mahanoy will find an outlet for their produce, which will considerably increase the tolls on the Susquehanna division of the Pennsylvania canal; upon which it must descend, from Danville or Sunbury, on its way to tide water; contributing, in its passage, to the supply of the thriving country along the valley.

The aid granted by the State to the Union canal company, and to the Chesapeake and Delaware canal company, places the claims of the Danville and Pottsville company, for relief, on a strong foundation, and would perhaps justify an application for a large appropriation. But as their object may, it is hoped, be accomplished without such a contribution, the committee

have prepared a bill, merely pledging the faith of the State for the payment, for a term of years, of the interest upon such stock (to the amount of say two hundred thousand dollars) as may be hereafter subscribed; which pledge will only operate against the State, when the revenues of the company are inadequate to the payment of said interest.

In whatever light we consider this work, either as one calculated to benefit the counties of Columbia and Schuylkill; as the feeder of a great accession to the trade on the Schuylkill and Susquehanna canals; as tending to develop the mineral resources of Pennsylvania; or, finally, as a link in the great chain that must bind together the northern and southern sections of the State; it commends itself to the particular attention of the Legislature.

With these views, the committee report a bill, entitled "An act granting aid to the Danville and Pottsville rail-road."

County Commissioners' Office,

November 26, 1833.

To Commodore James Barron, U. S. Navy:

Dear Sir,—We, the undersigned, Commissioners of the county of Philadelphia, take great pleasure in making known to you, the invaluable aid we received during the late season, (in the erection of a county bridge over Gunner's Run, near Dyottville Glassworks, at its junction with the Delaware river,) by the use of the Valve Board Pump invented by you, which has enabled us to overcome the great and constant accumulation of water from the foundation of the bridge; as a proof of its utility, the basin above the Coffin Dam, 200 feet long, 60 feet wide, and upwards of eight feet deep, was discharged in one day by your pump, with the aid of the one previously in use; the water running in at the same time from different places; and from accurate calculation, this invaluable pump must have discharged at the rate of 65,000 gallons per hour. We, therefore, have no hesitation in earnestly recommending it to all, who may have occasion for the aid of a powerful machine of this description, as it may be enlarged to any dimensions, and put in operation by steam, horse, or water power. We, therefore, having the utmost confidence in the great public advantage that must result from your important invention, and, at the same time, entertaining the highest regard for your obliging and disinterested attention, do, with entire satisfaction, tender to you our sincere thanks.

With great esteem, we are

your obedient servants,

THOMAS MAGUIRE.

JOHN THOMPSON,

DAVID PAUL,

County Commissioners.

County Commissioners' Office,

Philadelphia, Dec. 3, 1833.

To Commodore James Barron, U. S. Navy.

Dear Sir,—In addition to the information communicated to you, on the subject of your valuable Valve Board Pump, we beg leave to state, that sixteen men were only required to keep these two pumps going throughout the day.

With sentiments of high respect, we remain your obedient servants.

JOHN THOMPSON,

DAVID PAUL,

THOMAS MAGUIRE.

County Commissioners.

For the Register.

LOGAN, THE INDIAN CHIEF.

Mr. Hazard:—

Your correspondent "I. F. F." was mistaken in imputing the article to me, respecting the Indian name of Wingohocking, being exchanged for that of Logan. It was a very pardonable misapprehension, because of its signature "W." and its attempt at an illustration of our early history. It may be seen in your article "Germantown," by me, published in your first volume of the Register, page 290, that I then gave it as a fact that Wingohocking was an early Indian name of *the Creek*, for so I had seen it marked in some early maps which I had seen—perhaps in Holmes' at the City Library, which you will please to consult, and then add your opinion.

But I had another purpose, in setting myself to this subject; it was to ascertain from your correspondent, "I. F. F." whether he, as he gave the meaning of Wingohocking in the Delaware dialect, could not deduce from the same source, the import of several other of our Indian names in and about our county of Philadelphia. They might, if known, serve to elucidate usefully, some local incidents of remote time. I have before me the letter of a Moravian Missionary among the Delawares, of the year 1824, directly to the point of explaining as many as two dozen of our Indian names. The result was, that neither he, nor the best informed and oldest of the Delawares, understood these as Delaware names; and he advises me, that they seem by their construction to be of *Shawnee* formation. Perhaps this idea, if known to Mr. Vetake in his late Quarterly Review, might have suggested to his correspondent an additional argument for his non-reception of the belief of the *original* character of the Lenni Lenape or Delawares in Pennsylvania.—Certainly if we could arrive at the origin of local names, we should have a better guide to the national character of those who conferred them. But to return more immediately to the subject in hand, I desire to inform your correspondent, that the name "Wingohocking," notwithstanding his assertion of its being a Delaware word, and meaning "a favourite spot," &c., is actually among the list which the Delawares themselves could not interpret! I mean no offence to your correspondent, but to excite him to a closer investigation, in hopes that if he has access to facts competent to explain our Indian names, that he will be pleased to aim at the explanation of such Indian names as we now possess in our county. Indeed we should be glad to see the thing attempted over a much more extended field—to places all over our State,—yea, over our whole country,—such as Susquehanna, Chesapeake, Potomac, &c. Among the names which I had submitted to my Delaware correspondent, are the words Coaquanock, Shakamaxon, Pautaxat,—Sepassin, Mocoponacka, Tenicum, Wiccacoa, Tacony, Moyamen-ing, [said to be a place of Deer and Turkeys,] Passyung, [said to mean a place of Geese,] Conoquinoque, Sepckin, Cohoksink, Wissahiccon, [said to mean crooked,] Mingo, &c. &c. The three first on the list, were the only ones to which he could affix any

meaning, and that by a little alteration—such as *Poutloxat*, to *Poutpecat*, which would mean a great bend of a gulf—a bay of a river, and *Coaquanaque* would mean a very large high pine tree.

If these remarks are worth any thing for your pages, they are at your service.

From your friend,

J. F. WATSON.

Germantown, Feb. 11, 1834.

P. S. The Secretary of War, Barbour, once undertook to offer several of our *Indian names* to be interpreted, by the remote Indian Agents, by my suggestion. How it succeeded I never heard.

Watsons' "Tales of Olden Times," page 58, says, "Frankford lies on the creek, the Indian Wingoheoking, which comes from the Frankford Company's Land," in Germantown.

Since the receipt of the above letter, we have had an opportunity of examining Heckwelder's communication to the American Philosophical Society, and published by them in 1833, entitled "names given by the Lenni Lenape or Delaware Indians, to rivers, streams and places in Pennsylvania, &c." from which we extract the following explanations of some of the names mentioned by Mr. Watson.

1. Coaquannock—the grove of long pines.
2. Shakamaxon—place of eels.
3. Cohocksink—pine lands, where the timber is principally pine.
4. Maupackhan—the large potatoe stream.

By reference to Heckwelder's work referred to, Mr. W. will find that, to a considerable extent, the desideratum suggested by him, has been supplied. We may at some future time, make more copious extracts from it.—En.

BRIDGE AT ROBBSTOWN.

"*Bridge over the Youghiogheny, at Robbstown.* This noble structure was finished a few weeks since, and we are told that it is decidedly the handsomest, and, from appearance, the most substantial bridge in this country. It is 482 feet long, and rests upon two large stone abutments, and two stone piers—the piers are 50 feet in length, 17 feet in width, and between 31 and 33 feet high, and contain with the abutments, about 3,840 perches of stone;—the timber used in building it, is estimated at about 230,000 feet. The contract for the erection of it was taken by Mr. Maize, at \$16,000—of this amount the state subscription was \$8,550; the balance of 7,450 was raised by individual subscription, by the citizens of Robbstown and its immediate vicinity, all of which was punctually paid into the treasury, and the claims of the contractor discharged. It is supposed that, when the expense of erecting a toll house, building guard walls to the abutments, and other incidental expenses are counted up, the company will be in debt about \$1000.

"The bridge is situated on one of the great thoroughfares from the east to the west, and there can be little doubt but the stock will prove a profitable investment of capital. It is believed, by those who are judges of such matters, that the stockholders will realize a dividend of from 10 to 20 per cent per annum."

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,
By JAMES WRIGHT, Librarian.
SEPTEMBER 1833.

Days of the Month.	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature	Mean temp. of day	WINDS.
Thermometer.						
1	Sunday	65	78	74	72	N
2	Monday	64	70	70	68	N
3	Tuesday	63	77	66	69	N E
4	Wednesd	63	77	83	74	W
5	Thursd'y	70	83	82	78	W
6	Friday	68	80	78	72	W
7	Saturday	66	68	70	68	N E
8	Sunday	60	68	68	65	N
9	Monday	58	65	67	63	S
10	Tuesday	65	78	75	73	W
11	Wednesd	60	70	70	67	W
12	Thursd'd	58	58	58	58	N W
13	Friday	50	60	60	57	N W
14	Saturday	46	64	64	58	N
15	Sunday	48	70	63	60	N W
16	Monday	50	70	66	62	N W
17	Tuesday	55	73	70	66	S
18	Wednesd	65	78	70	71	S
19	Thursd'y	68	82	80	77	S
20	Friday	70	85	82	79	S W
21	Saturday	65	80	78	74	S W
22	Sunday	65	78	69	71	N W
23	Monday	40	63	65	56	N W
24	Tuesday	48	70	66	61	N W
25	Wednesd	50	74	70	65	N W
26	Thursd'y	60	77	70	69	N W
27	Friday	61	80	79	73	N W
28	Saturday	62	78	73	72	S E
29	Sunday	62	79	73	71	S E
30	Monday	60	75	73	69	N W
Maximum on the 20th		-	-	-	-	79°
Minimum on the 23d		-	-	-	-	56°
Difference		-	-	-	-	23°
Mean		-	-	-	-	68°

Atmosphere.

Day of the month.	Morning.	After'n.
1 2 4 5 6 11 13 14 15		
16 19 22 23 24 25 26		
27 28 30		
10	19 days	fair
7	1 day	cloudy
8 18 21	3 days	rain
12	1 day	rain
3 9 17 20 29	5 days	cloudy
Days of the month.		Wind.
1 2 8 14	4 days	North
3 7	2 days	N E
28 29	2 days	S E
9 17 18 19	4 days	S
20 21	2 days	S W
4 5 6 10 11	5 days	W
12 13 15 16 22 23 24 25		
26 27 30	11 days	N W

On the 20th at noon, thermometer at 85°, the highest.

On the 23d in the morning, at 40°, the lowest.

The wind has been 4 days east of the meridian, 18 days west of it, and 4 days north, and 4 south.

Very little rain during the month.

Mean temperature of this month 2° warmer than last September.

COLUMBIA, Feb. 8, 1834.

The ice on the Susquehanna, opposite Columbia, moved off on Thursday last, and the river is now clear, with the exception of a short distance out from the Wrightsville shore.—*Columbia Spy*.

EARTHQUAKE.—On Wednesday night last, at about half past 10 o'clock, a shock of an earthquake was felt in this place. It was accompanied by a low rumbling noise, which many, at the moment, thought was occasioned by the passing of a stage along the street. Crockery and other articles on shelves were noticed to shake very considerably. Its duration could not have exceeded twelve seconds. We have heard it remarked by a number who were out of doors at the time, that there was a great change in the atmosphere immediately before the shaking—it being so hot and oppressive, as to render it difficult to breathe. The shock was said to be the most violent one ever experienced in this part of the country. Lancaster, and other places as far as heard from, were similarly visited.

It is said that a second shock was experienced at about 12 o'clock of the same night, but as we have not much authority for this, we are inclined to think that it existed only in the troubled dreams of some of the alarmed.—*Columbia Spy*.

THE REGISTER.

PHILADELPHIA, FEB. 15, 1834.

The Historical Society of Pennsylvania have now in the press "A Description of New Sweden," by Thomas Campanius Holm. This work was published at Stockholm, in the year 1702, and has been translated from the Swedish by Peter S. Du Ponceau, Esq. a member of the society. It is adorned with various maps and plates, among which there is a map of both sides of the river Delaware, from the Capes up to Trenton falls, made in the year 1654 and 1655 by the Swedish Engineer Peter Lindstrom. It shows the situation of that part of our country, at the time when the Swedes were in possession of it, 38 years before the landing of William Penn. The rivers, creeks, forts, towns, and places are delineated with their Swedish and Indian names, as they existed at that time. There is also a map of Pennsylvania as it was at the end of the seventeenth century, about ten years after the foundation of this city. At the end of the book, there is a list of the Swedish families that lived on the banks of the Delaware in the year 1693, with all their names, and the number of individuals contained in each family.

This work cannot but be interesting to the inhabitants of Pennsylvania, New Jersey, and Delaware, particularly to those who are of Swedish descent, and in general to the lovers of the ancient history of their country.

It will be published in a few days, by McCarty & Davis.

MR. WALL.—The gross receipts of Mr. Wall, (the blind Irish Harper) at the Chesnut street theatre, were \$1054,75.

Appointments by the Governor.

Col. Robert Orr to be Associate Judge of Armstrong Co.

Henry Myers to be Associate Judge of Delaware Co.

By the Attorney General.

Edmund C. Watmough, Deputy Attorney General of the Mayor's Court of the City of Philadelphia.

COMMERCE.—It appears from tables in Moore's Price Current that there were exported from Philadelphia during the 4th quarter of 1832, and the first 3 quarters of 1833 of

Domestic and foreign white and printed cottons as follows—

Domestic piece goods, value	\$102,567
" cotton yarns, "	21,739
	\$124,306
Foreign piece goods, value	107,169
Total	\$231,475

Value of foreign goods imported into Philadelphia from 30th September 1832, to 30th September 1833, from foreign ports

\$10,451,250

Value of goods exported during the same time to Foreign ports.

Domestic	\$2,666,693 00
Foreign	1,407,651 00
Total	\$4,074,344 00

402 vessels arrived at Boston from Philadelphia, during the year 1833.

At a meeting of the Historical Society of Pennsylvania, held at the Philosophical Hall, on Monday, the third day of February, 1834, the Society proceeded to the election of officers for the ensuing year, which resulted as follows,

President—William Rawle.

Vice-Presidents—Robert's Vaux, John B. Gibson, of Carlisle; Thomas C. James, Richard Biddle, of Pittsburgh.

Corresponding Secretary—Thomas J. Wharton.

Recording Secretary—J. R. Tyson.

Treasurer—W. Mason Walmsley.

Curator—Samuel Hazard.

Council—P. S. Du Ponceau, John Vaughan, T. M. Pettit, C. J. Ingersoll, G. B. Wood, G. W. Smith, J. Francis Fisher, B. H. Coates, B. R. Morgan, Peter M'Call, J. M. Barclay, Alfred Langdon Elwynn, Horace Binney, jr.

Printed every Saturday morning, by Wm. F. Geddes, No. 9 Library street, at \$5 per annum.

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EDITED BY SAMUEL HAZARD.

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DOCUMENTS RELATING TO THE REMOVAL OF THE DEPOSITS.

(Continued from page 103.)

Report of the Committee on Finance.

MR. WEBSTER, *Chairman.*

The Committee on Finance, to whom was referred the report of the Secretary of the Treasury, of 3d of December, 1833, on the removal of the public deposits from the Bank of the United States, and a resolution, submitted to the Senate by an honorable member from Kentucky, declaring that the reasons assigned by the Secretary for the removal of the said deposits, are unsatisfactory and insufficient, have agreed on the following report.

The act incorporating the Bank of the United States, as is justly remarked by the Secretary, is a contract, containing stipulations on the part of the Government, and on the part of the corporation, entered into for full and adequate consideration.

The Government became party to this contract by granting the charter, and the Stockholders by accepting it. "In consideration," says the charter, "of the exclusive privileges and benefits conferred by this act on the said bank, the president and directors thereof shall pay to the United States, out of the corporate funds thereof, one million and five hundred thousand dollars, in three equal payments;" and in another section, it declares that "during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States or the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions, or claiming allowance on account of difference of exchange; and shall do and perform the several respective duties of the commissioners of loans for the several states, or any one or more of them, whenever required by law."

The section immediately following this provision, is in these words: *And be it further enacted*, That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches, unless the Secretary of the Treasury shall at any time, otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress if in session, and if not, immediately after the commencement of the next session, the reasons for such order or direction."

It is not to be denied or doubted, that this custody of the public deposits was one of the "benefits" conferred on the bank by the charter, in consideration of the money paid, and the services undertaken to be performed by the bank to the Government, and to this custody the bank has a just right, unless such causes have arisen as may have justified the Secretary in giving an order and direction for changing that custody. Any order or direction, therefore issued under the provisions of this law, necessarily involves a consideration of the just extent of the Secretary's power and of the rights of the bank.

But Congress, in making this provision, unquestionably had in view the safety of the public funds, and cer-

tain important financial objects, as well as the making of a just consideration to the bank, for the sum paid, and the services undertaken by it; and with this view, also, it has expressed its will, that the deposits shall continue to be made in the bank, until good cause shall arise for ordering otherwise. Of this good cause the Secretary of the Treasury, in the first instance, and Congress, ultimately and conclusively is constituted the judge. Every order, therefore, of the Secretary, for changing the deposits presents for the examination of Congress, a question of general political propriety and expediency, as well as a question of right and obligation to the bank.

These questions may be considered together. They are intimately connected; because the rights of the bank to retain the deposits, and to enjoy the advantages to be derived therefrom, cannot be denied unless a case is shown to have arisen within the just power of removal, vested in the Secretary, and which made it his duty to exercise that power. The Secretary is only to remove the deposits for reasons. Of these reasons he is to give an account to Congress; if they be insufficient to justify the removal, the bank has a right to a return of the deposits, and the country has a right also, to expect that, in that case, the public treasure will be restored to its former place of safety.

The Secretary having removed the deposits, and having reported his reasons to both houses, the whole subject is now before Congress, by way of appeal from his decision; and the question is whether that decision ought to stand, or ought to be reversed.

The power of the Secretary under the law, is evidently but provisional. It is a power which he may exercise in the first instance, but the propriety of his conduct, in every instance of its exercise, is ultimately referred to the wisdom of Congress, and by Congress it must be judged. He is authorized to do the act, but Congress is to examine it when done, and to confirm or reverse it. The Secretary may change the deposits, but when changed, Congress is to decide on the causes of such change, with authority either to sanction the removal, or to restore the deposits, according to its own judgment of right and expediency.

In order to decide whether the act of the Secretary ought to be confirmed, it is requisite in the first place, to form a just opinion of the true extent of his power, under the law; and, in the second place, to consider the validity of the reasons which he has specially assigned for the exercise of that power in the present case.

The opinion of the Secretary is, that his power over the deposits, so far as respects the rights of the bank, is not limited to any particular contingencies, but is absolute and unconditional. If it be absolute and unconditional, so far as respects the rights of the bank, it must be absolute and unconditional in all other respects; because, it is obvious, if there be any limitation, that limitation is imposed as much for the benefit of the bank as for the security of the country. The bank has contracted for the keeping of the public moneys, and paid for it, as for a privilege or benefit. It has agreed, at the same time, that the Secretary shall possess the power of removal; but then, it is also agreed, that whenever this power is exercised, the reasons thereof shall be re-

ported to Congress; Congress being thus constituted the final judge, as well of the rights of the bank, in this particular, as of the good of the country. So that if the Secretary's power be in truth absolute and unconditional, it restrains Congress from judging whether the public good is injured by the removal, just as much as if it restrains it from judging whether the rights of the bank are injured by the removal; because the limitation, if any, is equally for the security of the bank and of the public.

If the bank be interested in retaining the deposits, then it is interested in the truth or falsity, in the sufficiency or insufficiency, of the reasons given for their removal. Especially is it so interested, since these reasons are to be rendered to a tribunal which is to judge over the Secretary, and may form a different opinion on the validity of these reasons, and may reverse his decision. It clearly has an interest in retaining the deposits, and therefore is as clearly concerned in the reasons which the Secretary may give for their removal. And as he is bound to give reasons, this very circumstance shows that his authority is not absolute and unconditional. Because, how can an appeal be given from the decision of an absolute power; and how can such a power be called on to give reasons for any instance of its exercise? If it be absolute, its only reason is a reference to its own will.

The committee think therefore, that no absolute and unconditional power was conferred on the Secretary; that no authority was given him by which he could deprive the bank of the custody of the public monies without reason; and that, therefore, his opinion is not to be admitted; that in no event can any order for removing the deposits impair the right secured to the bank by the charter. If removed without good cause, the committee think the removal does impair the rights of the bank.

But the opinion of the Secretary as to his own powers, is hardly more limited in respect to the government and the country, than in regard to the rights of the bank.

His opinion is, that it is his duty, and within his authority, in this view, also to withdraw the deposits of the public money from the bank, whenever such a change would, in any degree, promote the public interest. "The safety of the deposits," he says, "the ability of the bank to meet its engagements, its fidelity in the performance of its obligations, are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people must regulate his conduct."

By the general interest and convenience of the people, the Secretary can only mean, of course, his own sense of that interest and convenience; because they are not otherwise to be ascertained than by his own judgment.

The Secretary's construction of the law, is, therefore, that he has power to remove the deposits, whenever, for any reason, he thinks the public good requires it.

In this interpretation of the design and object of the law, and this broad construction of the Secretary's power, the committee do not concur.

Although the power of the Secretary is not restricted by any express words or terms nor by any particular occasions for its exercise, specially, and expressly designated or prescribed by the law, yet it is not to be admitted, as the committee think, that this power is to be exercised capriciously, or in an arbitrary manner, or for loose or conjectural reasons, or on any idea of an unlimited discretion vested in the Secretary, to judge on the general question of the public welfare; or indeed, on any other grounds than: those of necessity; or plain and manifest expedience, directly connected with the subject over which the power exists.

The keeping of the public money is not a matter which is left, or was intended to be left at the will of

the Secretary, or any other officer of the Government. This public money has a place fixed by law, and settled by contract; and this place is the bank of the United States. In this place it is to remain, until some event occur requiring its removal. To remove it, therefore, from this place, without the occurrence of just cause, is to thwart the end and design of the law, defeat the will of Congress, and violate the contract into which the Government has solemnly entered.

It is fit to be observed, that no other law confers on the Secretary such a wide discretion over the public interests, in regard to any subject, or gives him a power to act on the rights of others, or on the rights of the public, in part of his official duties, with so unlimited an authority as is here asserted. Every where else, he appears in the character of a limited and restricted agent. He is the financial officer of the Government; he is the head of the Department of the Treasury. His duty is, to report annually to Congress the state of the finances; and to communicate to either House, when requested, any information respecting the Treasury; and he is to superintend the collection of the revenue. But he has no authority over the circulating medium of the country, either metallic or paper, nor has he the control of the national currency. It is no part of his duty either to contract or expand the circulation of bank paper, nor in any other way to exercise a general superintendence over the money system of the country. These general interests of the Government and the people are not confided to his hands by any of the laws which created his office, and have prescribed his duties—and the committee are of opinion, that the charter of the bank no more intended to give such a wide scope to the Secretary, in regard to the deposits, than other laws intended to give him the same wide scope, in respect to other duties of his office. No intimation of such intention is found, either in the charter itself, or in any of the legislative debates which took place in both Houses when the bank was established—or in the discussions which have been had on the various occasions which have been more recently presented for calling forth the sentiment of Congress. In none of these sources, is there to be found any proof that the Legislature has delegated, or intended to delegate, this extraordinary power of judging of the general interest of the people to the Secretary of the Treasury. Such a power, did he possess it, would necessarily make him the general superintendent of all the proceedings of the bank—because it would enable him to compel the bank to conform all its operations to his pleasure, under penalty of suffering a removal of the public moneys. This would be little less than placing all the substantial power of managing the bank, in his hands. But he is not by law its manager, nor one of its managers—nor has he any right, in any form, to interfere in its management. On the contrary, the very language of the charter rejects all idea of such general supervision over its concerns by him, or any other officer of the Government. That language is that "*for the management of the affairs of the corporation, there shall be 25 directors annually chosen:*" and, under the restrictions contained in the charter, these directors are entrusted with the whole general business of the bank, subject, of course, to all the provisions of the charter and the by-laws; subject, too, always, to the inspection and examination of either House of Congress; subject always to regular inquiry and trial, and bound always to communicate to the head of the Treasury Department, on request, statements of its amount of stock, debts due, moneys deposited, notes in circulation, and specie on hand.

Under these restrictions, the establishment of its offices, and the appointment of its officers, the amount of its discounts and every thing respecting those discounts its purchases and sales of exchange, and all other concerns of the institution, are to be conducted and managed by the directors. There is nothing in the charter, giving the slightest authority of the Secretary to decide

as between the bank on the one hand, and the Government or the people on the other, whether the general management of the directors is wise or unwise, or whether in regard to matters not connected with the deposits, it has or has not violated the conditions of its charter. The statement which the bank is bound to make to the Secretary, he may lay before Congress; and he is doubtless, bound by his official duty, to communicate to Congress any other information in his possession; tending, in his judgment, to show that the bank had disregarded its charter, or failed to fulfil all or any of its duties. But here his authority, so far as it regards the general course and operations of the bank, ends. It is then for Congress to act, if it see occasion, and to adopt the regular remedies, for any evils which it may suppose to exist. But it transends the power of Congress itself to pronounce the charter violated, without hearing, without trial, without judgment; far less is any such power of pronouncing final judgment confided to the Secretary. His power simply is, that in regard to the deposits of the public money, he is to judge, in the first instance, whether just cause has arisen for their removal.

The Secretary seems to suppose, indeed the very basis of his argument assumes, that the law has confided to him a general guardianship over the public welfare, so far as that welfare is in any way connected with the bank, or liable to be affected by its proceedings; and that he holds the power of the removing the deposits as the means, or instrument by which he is to enforce his own opinions respecting that welfare. The committee do not adopt this opinion. They think that if such had been the design of the law, its provisions would have been different from those which it does actually contain.

If such general guardianship had been intended to be conferred on the Secretary, it is reasonable to believe that he would have been vested with powers more suitable to such a high trust. If he had been made or intended to be made, general inspector or superintendent, other authority than merely that of removing the deposits, would have been given him, for this plain reason, that the Government and the country have interests of much magnitude connected with the bank, besides the deposits of the public moneys in its vaults, and to which interests, if endangered, the removal of the deposits would bring no security.

The Government is proprietor of seven millions of the stock of the bank, and yet no authority is given to the Secretary to sell this stock under any circumstances whatever, or in any other way to interfere with it.

The bills and notes of the bank, too, are made receivable in all payments to the United States, until Congress shall otherwise order; and no power is given to the Secretary to prevent their being so received, either during the session of Congress, or in its recess, however the credit of these bills and notes might become depreciated.

How is it possible to conceive that, if Congress intended to give to the Secretary a general right to judge of the operations and proceedings of the bank, and a power, of course, to declare when it had violated its duty, and was no longer trustworthy, it should yet leave him under an absolute obligation to receive its bills and notes in all payments to the Treasury, though they might have lost all credit, and place no means in his hands to execute his high authority of superintendent, except the mere power of removal.

Whenever it is clear that Congress has given the Secretary a power, it has given him the means of informing his judgment as to the propriety of exercising that power. He has power to remove the deposits, and ample means are afforded him by which he may learn, from time to time, whether those deposits are safe. — For this purpose, it is expressly made the duty of the bank to furnish him, so often as he shall require, if not oftener than once a week, with a statement of the

amount of the capital stock of the corporation, of the debts due to it, of the moneys deposited in it, of its notes in circulation, and specie on hand, and he has a right to inspect the general accounts, in the books of the bank, relating to this statement. This statement enables him to judge of the solvency and stability of the bank, and of the safety of the public money deposited in it. Here then, is a power, and all appropriate means given for the just and enlightened exercise of that power. Confined to the deposits, the power is accompanied with all rational auxiliaries and attendants.

But for the depreciation of the bills of the bank, should that happen, and for other cases of maladministration, Congress has provided just and appropriate remedies, to be applied by itself or others, in exclusion of the Secretary. For the redress of these evils, no power is given to him.

For the security of the public interest the law reserves a right to either House of Congress, to inquire, at all times, into the proceedings of the bank, and if, on such inquiry, it appears in any respect to have violated its charter, Congress may bring it to trial and judgment. Power is given to the President, also, to institute judicial proceedings, if he shall have reason to believe that any such violation has taken place. But no such power is given to the Secretary.

The proposition, then, cannot be maintained, that Congress has relied, for the security of the public interests, and the preservation of the general welfare, so far as it is connected with the bank, on a general discretion reposed in the Secretary. For two reasons, first, because it has not given him the appropriate instances; and secondly, because it has in those instances, either expressly reserved those powers to itself, or expressly conferred them on the President.

If the Secretary cannot prevent the notes of the bank from being received at the custom house, and the land offices, even after they should be discredited; if he have no power to touch, in any way, the seven millions of stock belonging to the Government; if the power of examination into the proceedings of the bank be given, not to him, but to either House of Congress, if he have no power, but Congress and the President, each has power, to direct a legal investigation into the conduct of the bank, how can it possibly be maintained that a general inspection and guardianship over the public welfare, so far as it is connected with the bank, is confided to him, and that his authority to remove the deposit, was given, not to protect the deposits themselves, and secure their proper use, but to enable him to enforce upon the bank, under penalty of their removal, such a course of management, as his sense of the public interest, and the convenience of the people, may require? Such a construction would give the law a strange and an undeserved character. It would convert the power of removal, intended for remedy and redress, into a mere instrument of punishment; and it would authorize the infliction of that punishment without hearing or trial, in the very cases in which the law yet says, that if violation of duty be charged, the charge shall be heard and tried before judgment is pronounced, and the duty of preferring this charge, and of prosecuting it to judgment, is given, not to the Secretary, but to Congress, and to the President.

The contingent power given to the Secretary to remove the deposits, evidently shows that Congress contemplated the possibility of the happening of some sudden evil, for which, either no other remedy was provided, or none which could be applied with sufficient promptitude; and for which evil, removal would be a just and appropriate remedy. The remedy prescribed, then, teaches us the nature of the evils which were apprehended. We can readily understand that threatened danger to the funds was one, and probably the chief of those evils; because change into other hands is the ready and appropriate measure, which would rationally suggest itself to all minds, as the proper security against

such danger; and change is the remedy actually prescribed. Neglect to transfer the deposits from one place to another, as the exigencies of Government might require, and thereby to furnish those facilities of exchange, which the charter demands of the bank, without commission and without charge, is another evil for which, should it happen, the remedy would naturally be the withdrawing of the funds, and the placing of them in their former custody, so that they could be transferred or exchanged by the Treasury itself.

But who can see any connexion or relation, such as ordinarily exist between an evil apprehended, and a remedy proposed—between such an evil as a supposed over discount, for instance, by the bank, at one time, or an under discount at another, and the abrupt removal of the deposits? And if no one can see the connexion, how can it be supposed that, in giving the power of removal as a remedy Congress had in view any such evil?

A question may arise between the Government and the bank, respecting the right of the parties to the sum of one hundred and fifty thousand dollars, as in the case of the French bill.

It is a question on which different opinions may be entertained, and which is, in its nature, fit for judicial decision. Does any man imagine that such a case as this was in the eye of Congress, when they granted the power of withdrawing the whole public treasure from the bank? Can it be for one moment maintained, that Congress intended that, in such a case, the Secretary should compel the bank to adopt his own opinion by the exercise of a power, the very exertion of which deranges the currency, interferes with the industry of the people, and, under some circumstances, would hazard the safety of the whole revenue?

The Committee think it cannot admit of rational doubt, that if Congress had intended to give to the Secretary any power whatever, not directly touching the deposits themselves, not only would it have specially pointed out the cases, but it would also, most assuredly, have provided a remedy more suitable for each case. The nature of the remedy, therefore, which is prescribed, clearly shows the evils intended to be provided against.

To admit the Secretary's conduct is subject to no control but his own sense of the general interest and convenience of the people, is to acknowledge the existence, in his hands, of a discretion so broad and unlimited, that its consequences can be no less than to subject, not only all the operations of the bank and its officers, but its powers and capabilities, perhaps its very existence to his individual will. He is of opinion that the law, creating it, is in many of its provisions, unconstitutional; he may not unnaturally, therefore, esteem it to be his duty to restrain and obstruct to the utmost of his power, the operations of those provisions, thus deemed by him to be unconstitutional. He is of opinion, that the existence of such a powerful moneyed monopoly is dangerous to the liberties of the people. It would result from this, that if in the discharge of his official duty, he is to follow no guide but his own sense of the interest of the people, he might feel bound to counteract the operations of this dangerous monopoly, diminish its circulation, curtail its means, and prejudice its credit. To accomplish these very purposes, and these alone, he might withdraw the deposits. The power given him by Congress, would thus be used to defeat the will of Congress, in one of its most important acts, by discrediting and otherwise injuriously affecting an institution, which Congress has seen fit to establish, and which it has declared shall continue with all its powers to the expiration of its charter.

The power conferred on the Secretary is a trust power, and like other trust powers, in the absence of express terms, setting forth the occasions for its exercise, it is to be construed according to the subject and object of the trust. As in other cases of the deposit of

monies in banks, the primary object sought to be accomplished by Congress, by that provision of the charter now under consideration, is the safe keeping of the money. The Secretary's trust, therefore, primarily and principally, respects this safe keeping. But another object is distinctly disclosed in the charter, which object is intimately connected with the fund, and that is its transfer and exchange from place to place, as the convenience of Government might require. The Secretary's trust, therefore, respects also this other object thus connected with the fund; and when either of these objects requires a removal, a removal becomes a just exercise of his authority. To this extent, none can doubt the existence of his power. If, in truth, the money is believed to be unsafe; if, in truth, the bank will not grant the facilities which it has promised, in consideration of receiving and holding the fund, then, certainly, it ought to be removed. But here the power must stop or else it is altogether unbounded.—Here is a just and reasonable limit, consistent with the character of the power, consistent with the general duties of the Secretary, and consistent with the nature of the remedy provided.

The charter of the bank is the law: it is the expressed will of the legislature. That will is, that the bank shall exist, with all its powers, to the end of its term. That will, too, as the committee think, is, that the public deposits shall continue in the bank, so long as they are safe, and so long as the bank fulfils all its duty in regard to them. The Secretary assumes a broader ground. He claims a right to judge of the proceedings of the bank on all subjects. Admitting the fund to be safe, and admitting that the bank has performed all its duties in regard to it, he claims an authority, nevertheless, to remove the deposits whenever he shall form an opinion, founded on the conduct of the bank, in any particular, whatever, and however unconnected with the public monies, that the general interest of the people requires such removal. If, in his opinion, it discounts too little, or discounts too much; if it expands or contracts its circulation too fast, or too slow; if its committees are not properly organized; if it claim damages on protested bills, which it ought not to claim; if, in his opinion, still, it is guilty of a wrong meddling in politics, or if it do any thing else, not consistent with his sense of the public interest; he has a right to visit it with a withdrawal of the public money from its custody.

If this claim of power be admitted, it would seem to the Committee to be a fair result, that the Secretary has power to withdraw the deposits, for no other reason than that he differs with Congress upon its constitutional authority to create any bank, or upon the constitutionality of this particular bank, or upon the utility of continuing it in the exercise of its chartered powers and privileges till its term shall expire.

The committee, therefore, are of opinion that it was not the intention of the Legislature to give to the Secretary of the Treasury a general guardianship over the public interests in all matters connected with the bank; but that this power is a limited one, and is confined to the safety, and the proper management of that portion of the public interest to which it expressly relates; that is to say, to the public monies in deposit in the bank.

But the extent of the Secretary's discretion, as asserted by himself, reaches even farther than the wide range which the committee has here described. It is not confined to the protection of all the various interests which the Government of the country have in the bank, or to a supervision and control over all the conduct of the bank, but it embraces all branches of the public interest, and touches every thing which in any way respects the good of the people. He supposes himself rightfully to possess the power of removing the deposits whenever any causes, springing up in any part of the whole wide field of the general interest, may appear to

him to call for such removal. Notwithstanding, he may suppose all the great interests confided to the bank to be perfectly safe; notwithstanding he may have no occasion to complain of any part of its conduct; notwithstanding, even, it may so have demeaned itself as to have become the object of his favor and regard; yet, if his construction be admitted, he may remove the deposits simply because he may be of opinion that he might place them, with a prospect of still greater advantage, in other hands. If he be of opinion that the commerce of the country, or its manufacturers would be benefited by withdrawing the public money from one bank and placing it in many, that would be an exercise of authority entirely within the limits which he prescribes to himself. It would be a case in which he would only follow his own sense of what the general interest and convenience of the people required. He might think, too, that by withdrawing all the public treasure from the Bank of the United States, and placing it in the hands of twenty or thirty State banks, to remain there during his pleasure, and to be drawn thence, again, at his will, he might be enabled effectually to advance certain other objects which, whatever others might think of them, he might consider to be essential to the good of the people. All this, if he be right, is within his just authority. A power, necessarily running to this extent, is a power, in the opinion of the committee, which can never be admitted.

Having thus expressed an opinion upon the general extent of the power claimed by the Secretary, the committee proceed to consider the reasons which he has reported to Congress as the particular grounds on which the power has been exercised in the present case.

The first reason assigned by the Secretary, is the near approach of the period, when the bank charter will expire. That period is the 4th of March, 1836, more than two years distant; nearly two years and a half at the time of the removal. Three sessions of Congress, are, in the mean time, to be held; and inasmuch as the Secretary himself, says that "the power over the place of the deposits for the public money would seem properly to belong to the legislative department of Government," the committee think it might reasonably have been expected by him, that Congress would not fail to make, in season, suitable regulations on a subject thus admitted to be within the just exercise of its authority, and properly one of its duties.

Why, then, should he not have waited till Congress had seen fit to act upon the subject, or had manifested a disposition not to act?—The matter of the deposits had been before Congress last session, and Congress had then thought no provision to be as yet necessary. Its undoubted sense was, that the public monies should remain where they were. This was manifested by proofs too clear to be questioned. Another session was fast approaching; and why was not the whole subject left where Congress had chosen to leave it at the end of its last session, to await the free exercise of its legislative power at this session?—It might have been fit for the Executive to call the attention of Congress, at this time, to the necessity of some legal provisions respecting the future custody of the public monies; and it would doubtless, have been proper for Congress, without such call, to take up and consider the subject at its own suggestion; but the committee see no reason whatever, in the approaching expiration of the charter, for a change so sudden, and producing such important effects, made so long before that expiration, at a time when Congress had recently had the subject before it; and when, too, it was again about to assemble, and would naturally have reasonable and full opportunity to adopt any necessary legislative provisions.

The Secretary has stated no reason satisfactory to the committee, for not deferring this important step until the meeting of Congress. He sets forth no emergency, no sudden occasion, nothing which, in their judgment, made immediate action by him necessary.

The Secretary supposes it to have been his duty to act on the belief that the bank charter would not be renewed; and he refers to recent popular elections in support of this opinion. The committee believe it altogether unusual for reasons of that kind to be assigned for public and official acts. On such subjects, opinions may be very various. Different and opposite conclusions may be drawn from the same facts by different persons. One man may think that a candidate has been elected on account of his opposition to the bank; another may see only, that he has been chosen, notwithstanding such opposition. One may regard the opposition or the support of any measure, by a particular candidate, as having been, itself, a promoting cause of the success of his election; another may esteem it as a formidable objection, overcome, however, by more powerful reasons; and others, again, may be of opinion that it produced little or no effect on the one side or the other. But if inferences, less uncertain, could be drawn from such occurrences, the committee still think, that for a public officer to presume what law the Legislature will or will not pass respecting matters of finance, from the election of a particular person to be Chief Magistrate, implies a consequence from such election which the constitutional independence and dignity of the Legislature do not allow to be admitted.

But if for this, or other reasons, the Secretary had persuaded himself that the charter of the bank would not be renewed, still, it certainly did not follow that the deposits ought to be removed before Congress had decided on the hands into which they should be transferred, and had made suitable regulations respecting their future custody. If there were good ground for thinking that Congress would not re-charter the bank, for that very reason there was equally good ground for supposing that it would make proper and suitable provision for the keeping of the public monies elsewhere. How could the Secretary doubt that Congress would omit to do that which he avers to be one of its appropriate duties? The question is, not what measures Congress might be expected to adopt—whether the re-chartering of the bank, or what other measures; but whether it ought not to have been presumed that it would adopt some measure, and that, a seasonable and proper one, according to its power and its duties; and whether, therefore, this anticipation of the action of Congress, on the eve of its session, is to be justified.

The bank charter declares that the deposits of the public money shall be made in the bank and its offices, and that the bank shall continue till March, 1836. Where does the Secretary find his power to decide that the deposits shall be so made but for seventeen years from the date of the charter, instead of twenty? If he may thus withdraw the deposits two or three years before the expiration of the charter, what should restrain him from exercising the same authority five years before its expiration, or ten years? A plain and cogent necessity, the existence of a case which admits of no reasonable doubt, and which is too urgent for delay till Congress can provide for it, can alone justify an interference with the public monies lodged in the bank by law for the double purpose of safe keeping, and fulfilment of solemn contract.

But supposing it not reasonable for the Secretary to have expected the interposition of Congress, and admitting that he might consider the withdrawing of the deposits as an act which was to be done at some time by himself, how can it, nevertheless, be argued that so early and so sudden a withdrawal was necessary? The committee can perceive no possible reason for this in any state of facts made known to them.

The withdrawal of the money left on deposit from a bank whose charter is about to expire is naturally one of the things longest postponed. It is as safe the last day of the existence of the bank, in common cases, as at any previous period. The bank expects the recall of its

deposits near the period of its expiration, and prepares itself accordingly. The operation, if made gradually, produces, when thus conducted, the least possible disturbance in the business of the community. Former experience would seem to have held out a salutary light for the guidance of the Secretary in this part of his official duty.

At the time of the expiration of the charter of the former bank, Mr. Gallatin was Secretary of the Treasury, and the public deposits were in the bank. The charter of the bank was to end on the 4th of March, 1811, and it does not appear that Mr. Gallatin thought it necessary to make any provision whatever for removing any part of the deposits, except by drawing on them for the common uses of Government, until late in the very month preceding the expiration of the charter. A large amount of these deposits remained, indeed, in the vaults of the bank after its charter had expired, and until they were wanted, in the general operations of the Treasury. And why should it be otherwise? Why should that be done suddenly now, which the Secretary thinks could not be done suddenly hereafter, without great inconvenience? Is it not the just inference, from his own argument, that the thing should not have been done suddenly at all. As to the idea, that the credit of the paper of the bank will be depreciated, near the time of the expiration of its charter, or that it would be inconvenient for it, at that time, to be called on for the deposits, the committee are utterly at a loss to see the slightest foundation for such an opinion. Experience is against it; and all reason, as the Committee think, is against it also. There is nothing to render it in any degree doubtful, that the bills of the bank will be in as good credit the last day of its charter, and even after that time, if any shall be outstanding, as they are now, and there is as little to render it doubtful, that then, as now, the bank would be competent to answer all demands upon it. In the opinion of the Committee, the withdrawal of the fund was both unnecessarily early, and unnecessarily sudden. It might have been made gradually; it might have been deferred; and it might have been, and ought to have been, as the Committee think, not ventured upon at all, until the attention of Congress itself had been called to the subject. The Committee therefore entirely dissent from this first reason, reported by the Secretary. They see nothing which proves to them the existence of the slightest occasion for taking this important step, at the moment it was taken.

So far as it depends on this reason, the Committee think the removal was made without necessity, without caution or preparation; with a suddenness naturally producing mischievous consequences, and in unjustifiable anticipation of the legislation of Congress.

But the Secretary thinks there are other reasons for the removal, growing out of the manner in which the affairs of the bank have been managed, and its money applied, which would have made it his duty to withdraw the deposits, at any period of the charter.

Of these reasons, thus arising from the alleged misconduct of the bank, the first is, that many important money transactions of the bank are placed under the control of a Committee of Exchange, of which committee, no one of the public directors, as they are called, is allowed to be a member, instead of being transacted by a board of seven directors.

This charge consists of two parts; first, that the discounts of bills are made by a committee; and not by a quorum of the board; second, that the public directors are not allowed to be of this committee.

First. It is not alleged that, in the discounts of bills by this committee, any indiscretion has been committed, or any loss incurred, or that in consequence thereof, any facility to the mercantile community has been withheld, or any duty of the bank to the Government violated. The objection is, simply, that bills are discounted by a committee. Supposing this to be an irregularity, or illegality, in the proceedings of the board, how is

it to be corrected by withdrawing the deposits? What connexion is there between the two things? It is not pretended that this mode of discounting bills, endangered the deposits; it is not pretended that it made the bank either less able, or less willing, to perform every one of its duties to Government. How should the withdrawal of the deposits then be suggested, by the discovery of such an irregularity, real or supposed? The committee are not able to perceive the least propriety, in applying the power of removal, to a proceeding of this kind, even if it were admitted to be irregular or illegal. But is the practice illegal? It is believed to be not at all unusual. It is believed to be quite common in banks of large business, for bills of exchange, which are presented every day, and almost every hour in the day, to be discounted either by a committee of the directors, or by the president, or even other officers; acting under such general orders and instructions as the directors, at their stated meetings, prescribe. A large board of directors cannot assemble every day, perhaps not often more than twice a week. If bills of exchange could only be discounted at these periodical meetings, the business of exchange could not go on with the promptitude and despatch so important to commercial men in such transactions.

The committee suppose the truth of these remarks will be at once admitted by all who have knowledge of business of this kind.

The general management and control, the authority of examining and supervising, of contracting or enlarging the amount of daily discounts, according to the state of the bank, and of giving every other order and direction on the subject, still remains with the directors, and is constantly exercised by them. They still manage the affairs of the bank, in the language of the charter, although they may depute to a committee the authority of inquiring and deciding upon the credit of persons whose names are on the bills of exchange offered for discount, and on the rate of exchange, current at the day. The legal question would be, whether the directors, by rule or by law, may not authorize a small number of their own board to discount bills. The bank has been advised that it might rightfully do this; and if it be not clear that this opinion is right, it is certainly far from clear that it is wrong, and in this state of the question, the general practice of other banks, under similar provisions in their charters, may well relieve the directors from the imputation of intentional mismanagement.

If, in all this, the bank has violated its charter, what other banks of extensive business have not done the same thing?

But the other subject of complaint, and that which seems to be regarded as the more offensive part of this regulation, is, that the public directors, as they are called, were not allowed to be on this committee.

It may be observed, in the first place, that if the discounting bills of exchange, by a committee instead of a whole board of directors, be illegal, it would hardly be rendered legal by placing any or all of these public directors on the committee as members. But the Secretary seems to suppose that there was some particular object in this exclusion of these directors, as if there had been something wrong to be done, and therefore secrets to be kept by this committee. It is not easy to see what foundation there can be for this opinion. All these discounts are matter of record. They appear every day in the books of the bank. Every director, on or off the committee, sees them, or may see them, at pleasure. There is no secrecy, nor any motives for secrecy, so far as this committee can perceive. Very proper causes may have existed, for aught that can have been known by the Senate, for the omission of these particular directors from this particular committee. Their services might have been deemed more useful in other committees, or however respectable in general character, or however useful in other parts of the di-

rection, they may have been esteemed not so well acquainted as others with the business of foreign and domestic exchange. And even if there were, or are other causes for the omission, such as tend less to prove the existence of that harmony and mutual respect which it is so desirable should prevail in such a board, these causes cannot furnish any just ground for asserting, either that the business of exchange was illegally conducted, or that the constitution of the committee was proof of the existence of any motive not fit to be avowed.

But the Secretary entertains an opinion respecting the character and duties of the directors appointed by the President and Senate, in which the committee do not concur. He denominated them "public directors"—"officers of the Government," &c.

By the charter of the bank there are to be twenty-five directors. Of those, twenty are to be chosen by the individual stockholders, and five appointed by the President, with the advice and consent of the Senate. As the Government owned one-fifth of the stock of the bank, it was judged expedient to place in the hands of the President and Senate the appointment of one-fifth of all the directors. But they are not called directors, nor officers of the Government, nor public agents. Nor are they entitled, so far as the committee can perceive, to either of these appellations, any more than the other directors. The whole twenty-five directors are joint managers of a joint fund, each possessing precisely the same powers, and charged with the same duties as every other.—They derive their appointments, it is true, from different origins, but when appointed, their authority is the same. There is not one word in the charter intimating, in the remotest manner, that the five directors appointed by the President and Senate have any particular duty, or are the objects of any peculiar trust. The charter calls them not Government directors, not public directors, but simply the directors appointed by the President and Senate. They are placed in the direction to consult with the other directors, for the common good of the bank, and to act with these others, and vote with them on all questions. They are, what the law calls them, directors of the bank, not agents of the Government. They are joint trustees with others, in a joint interest. If any thing illegal or improper takes place in the board, they are bound to resist it by the duty which they owe the individual stockholders, as much as the duty they owe by the Government; because they are agents of the individual stockholders and have the same authority to bind them by their acts, as to bind the Government; and, in like manner, it is the duty of those directors who are appointed by the individual stockholders, to give notice, as well to Government as to the stockholders, if any thing illegal takes place, or be threatened.—All those directors act and vote together on the smallest as well as on the highest occasions; and by their joint votes, bind the corporation, and bind both the Government and individual stockholders to the extent of their respective interests in the corporation.

If the directors appointed by the President and Senate, had been excluded by the charter, from any part of the power exercised by the others; if it had been forbidden them to interfere, to the same extent, and with the same effect, as the rest, in the common business of the bank, there might be some reason for that supposing an uncommon character, a character, not so much of action as of supervision and inspection was intended to be conferred on them. But they do interfere, and justly, in all transactions of the bank. They do vote and act on all subjects, like the other directors. Being then possessed of this common character of directors, and enjoying all its powers to the fullest extent, the committee know no form of argument, by which an uncommon and extraordinary character is to be raised by construction, and superadded to the common character of directors, which thus already belongs to them.

By granting the charter, and by accepting it, the Government on one hand, and the individual stockholders on the other, have agreed, that, of the directors, as joint agents of all parties, the stockholders shall appoint twenty, and the Government five. The interest of all parties is confided to this joint agency; and any distinction in their powers, as arising from their different modes of appointment, is, in the judgment of the committee, not to be sustained. They regard such distinction as entirely inconsistent with the nature of the agency created, and as deriving not the least countenance from any thing contained in the law.

The committee, nevertheless, to avoid misapprehension, wish to repeat, that it is undoubtedly the duty of the directors appointed by the President, and of all directors, to give notice, both to Government and the stockholders, of any violation of the charter committed or threatened.

The Secretary of the Treasury has thought proper to observe, that the measures of the committee of exchange are, as it appears, designedly and by system, so arranged as to conceal from the officers of the Government transactions in which the public are deeply involved. This, it must be admitted, is a very serious charge. It imputes a corrupt motive. The committee have sought for the foundation, either in evidence or argument, on which this charge rests. They have found neither. They find only the charge, in the first place; and then they find the charge immediately stated as a fact, and relied on as the basis of other charges.

The second reason specially repeated by the Secretary as arising from the conduct of the bank, respects the bill of exchange drawn by the Secretary of the Treasury on the Government of France, and purchased by the bank.

The general facts connected with this case are these:

By the late treaty of indemnity between the United States and France, it was stipulated that the French Government should pay to that of the United States twenty-five millions of francs, to be distributed among those American citizens who had claims against France for the unlawful seizure, capture and condemnation of their vessels and property, the whole sum to be paid in annual instalments of four millions one hundred and sixty-six thousand six hundred and sixty-six francs, each into the hands of such persons as shall be authorized by the Government of the United States to receive it; the first instalment to be paid at the expiration of one year next following the exchange of the ratification.

On the expiration of the year, the Secretary drew a bill of exchange, signed by himself as Secretary, on the French Government for the amount of this instalment, and sold it to the bank like any other bill of exchange, and received the proceeds by credit of the amount to the account of the treasurer in the bank.

On presentation of the bill at the French Treasury, payment was refused; the bill was accordingly duly protested, and it was then taken up by a third person for account of the bank. The damages accruing on this bill, according to law and to constant usage in such cases, are one hundred and fifty-eight thousand dollars.

If this bill had been transferred by the bank, as probably it was, the bank itself would have been answerable for damages even at a higher rate, if a third person had not taken up the bill for the honor of the bank.

On receiving information of the protest of the bill, the officers of the bank, as was their duty, gave immediate notice to the Treasury Department, and accompanied that notice with the information, always made in such cases, that the drawers of the bill would be held answerable for the damages. Such is the substance of the facts in this case.

The bank, it would appear, was willing to collect the bill on account of government, and to credit the treasury with the proceeds when received; a course of proceedings which had this to recommend it, that the

money to be received on the bill, was to be received by the Government simply in trust for claimants under the French treaty, and was not ultimately destined to the ordinary uses of the Treasury. On the contrary, indeed before the dishonor of the bill was known, it had been made, already, the legal duty of the Secretary to place the fund, so soon as received, at interest for the benefit of the claimants.

But it was thought best to sell the bill, and to realize at once its amount into the Treasury; and the bill was sold to the bank, in preference to others offering to purchase, for no reason, it is to be presumed, except that the terms of the bank were more satisfactory. The bill was thus purchased by the bank, and its proceeds credited to the Treasury. This was a mere transaction of the purchase and sale of the bill of Exchange. There was no trust confided to the bank, and no fiscal agency in the whole matter. Indeed the agency of the bank had been declined, the Secretary preferring to deal with it not as an agent, but as a purchaser, proposing to it not to collect the bill, but to buy it. On being remitted to Europe, and presented for payment, the bill was protested. By the universal commercial law, the Government, on the occurrence of this protest, became amenable to the bank for the amount of the bill, with damages. These damages may be ultimately claimed, with justice from the French Government, if the bill was drawn upon sufficient grounds, and on proper authority; in other words, if the obligation of the French Government was such that it was bound to accept and pay the bill; but unless there be something in the case to vary the general rule, which the committee do not perceive, these damages were part of the debt which had become due to the bank, as much as the principal sum of the bill. If this be so, how could the directors relinquish this part of the debt any more than the other? They are agents for the corporation; they act as trustees, and have no authority, without consideration, to release, either to the Government or to individuals, debts due, or properly belonging to the corporation.

It has been suggested that the bank should have taken up this bill, when protested on Government account. Two answers may be given to this suggestion: the first is, that the bill had been taken up by a correspondent abroad for account of the bank, before it was known in the United States that it had been protested: The second is, that it would have been unlawful for the bank to have advanced such amount to the Government, or on account of Government for the purpose of taking up this bill, or for any other purpose, without an act of Congress. The express words of the charter forbid it.

But, as a reason for removing the deposits, it appears to the committee quite immaterial whether the bank be right or wrong in claiming these damages. If wrong it will not recover them. It is not to judge of its own rights; and if the appropriate tribunals shall decide that the bank was acting on this occasion, or ought to have acted as the agent of Government, or that it was its duty to take up the bill on account of Government, then the damages will not be awarded to it. And in the worst aspect of this case, how can its conduct, in this respect, be any possible reason to justify the removal of the deposits? What connection has this occurrence with the safe keeping of the public treasures, or with the remitting them from place to place, to meet the convenience of the Government, according to the duty of the bank under the charter? The bank thinks it entitled to damages on a protested bill, purchased and held by itself and drawn by government. The Secretary of the Treasury thinks otherwise. If there be no reason to doubt the sincerity of the Secretary's conviction, there is as little to doubt the sincerity of that entertained by the bank; and it is quite inconceivable to the committee that the pending of such a difference of opinion, on such a question, should furnish any reason whatever for withdrawing the deposits, unless it be at once admitted

that the Secretary holds the power of removal as a perfectly arbitrary power, and may exercise it, by way of punishment, whenever, in any particular, the conduct or the opinions of the bank do not conform to his pleasure.

The Secretary does not argue this matter. He offers no reason in opposition to the legal right of the bank to the damages claimed. Indeed, he hardly denies the right. He commences his observations on the subject, by saying that the ruling principle of the bank is its own interest; and closes them with another declaration, that as fiscal agent of the public, it availed itself of the dis-appointment of its principal, for the purpose of enlarging its own profits.

Assertions like these, however else they may be disposed of, cannot be made subjects of argument.

The last charge preferred against the bank, is, that it has used its means with a view to obtain political power, and thereby secure the renewal of its charter.

The very statement of such a charge, as a reason for removing the deposits, is calculated to excite distrust, in the wisdom and propriety of that measure; because the charge, too general to be proved, is too general, also, to be disproved; and since it must always rest mainly on mere opinion, it might be made at any time, by any secretary, against any bank. It would be, therefore, always a convenient cloak under which to disguise the true motives of official conduct.

If proof be made out that the funds of the bank have been applied to illegal objects; the proper mode of redress and punishment should have been adopted, but what has this to do with the deposits? As in the case with the French bill, the Secretary cannot justify the removal of the deposits on any such grounds as this, unless it be conceded that he may use the power of removal as a punishment for any offence of any kind which the bank, in his opinion, may have committed. The committee have already expressed the opinion that no such latitude of power belongs to him, and the assertion of such a power, for such a cause as is now under consideration, shows that the power ought never to belong to any secretary, because the offence, on account of which it is here proposed to be exercised, is a political offence, incapable of definition, depending merely on the Secretary's opinion, and necessarily drawing into its consideration all the exciting controverted topics of the day. The bank, it is said, "has sought to obtain political power." What is the definition of such an offence as this? What acts constitute it? How is it to be tried? Who is to be the judge? What punishment shall follow conviction? All must see that charges of this nature are but loose and vague accusations, which may be made at any time, and can never be either proved or disproved; and to admit them as sufficient grounds, or justify the removal of the deposits, would be to concede to the Secretary the possession of a power purely arbitrary.

The main fact relied on for this cause of removal shows how extremely unsafe all proceedings on any such reasons must be. The main fact is, that, between December 1830, and December 1831, the bank extended its loans twenty millions of dollars; and it is further alleged that, as if to leave no doubt of the motive of this extraordinary conduct, it continued to add rapidly to its loans, until in May, 1832, while its petition for renewal was pending, those loans amounted to seventy millions. And the Secretary declares that this extraordinary increase of loans made in so short a space of time, and on the eve of a contested election in which the bank took an open and direct interest, demonstrates that it was using its money to obtain a hold upon the people of the country, to induce them, by the apprehension of ruin, to vote against the candidate whom it desired to defeat. This is strong assertion, but so far as the committee perceive, it is assertion merely. It is but the Secretary's own inference from facts, from which very

acts his predecessors in office have drawn no such conclusions.

This great extension of the loans, be it remembered, took place in 1831. Why was it not then complained of? How should it have escaped the vigilance of the Secretary at that day, at the time it took place? And, if it did not then escape his vigilance, why did he not then remove the deposits? So, also, as to the amount of loans in May, 1832. That amount was perfectly well known at the time, and if it proved any offence, why was not the punishment inflicted then? How should all other Secretaries have slept over this great mischief?

It might further be well asked, what evidence is there of the existence of any such motive as is imputed to the bank in this extension of its loans? There is no evidence but the mere fact itself of the extension, and it cannot be denied that other very different reasons for the extension may have existed; so that the charge is proved no otherwise than by inferring a bad motive from an act lawful in itself, and for which good reasons may have existed, nor is it either acknowledged, nor, so far as the committee know, proved that the bank took an open and direct interest, as a corporation, in the election referred to. The bank certainly was much interested in certain accusations which had been brought against it, and which became subjects of public discussion during the pendency of that election. It had been charged with great misconduct and gross violation of its charter. These accusations must undoubtedly have called on the directors for answer. If made before Congress, they were to answer before Congress; if made judicially, they were to answer in the courts; if made in an official and formal manner, and in that manner submitted to the judgment of the country, the directors were bound to meet them before that country by every fair use of fact and argument, not only for the purpose of defending themselves as directors, but for the higher purpose of maintaining the credit of the bank, and protecting the property entrusted to their care. If in thus defending the bank before the community, the directors carried their measures beyond this fair object of defence, or if they resorted to dishonorable or indecorous modes of discussion; if they sought rather to inflame than to reason; if they substituted personal crimination for argument; if, even, they met invective and violence with corresponding invective and violence; they followed bad examples, and are not to be justified.

But on their right to defend themselves before the public against grave charges brought against them and urged before the public, the committee entertain no doubt, and they are equally clear in opinion that the Secretary of the Treasury is not constituted the judge of the mode of exercising this right, and cannot justly remove the deposits merely because the conduct of the bank, in this particular, has not happened to conform to his wishes.

The committee, therefore, consider this last reason of the Secretary equally insufficient with the rest, and they regard it as the most objectionable of all in its principle, inasmuch as it proceeds on grounds which, if admitted, would leave a very high official duty to be exercised from considerations connected with the political feelings and party contests of every day, with no guide but the individual opinion of the officer who is to perform the act; an opinion which, it is possible, may itself be no less tainted with political motive and feeling than the conduct which it would reprehend.

If an unlimited power be conceded to the Secretary to inflict penalties on the bank for supposed political motives in acts legal in themselves, where is the security that the judge may not be found acting under the same impulses which he imputes to the party accused?

The committee entertain no doubt that the immediate cause of the existing public distress is to be found in the removal of the public deposits, and in the man-

ner in which that removal has been made. No other adequate cause has been suggested; and those who justify the removal do not so much deny this to have been the cause, as insist that it was not necessary that any such effect should have followed from it. In other words, they argue that, notwithstanding the removal, the bank still possessed the power, if it had chosen to exercise it, of warding off the blow which has fallen on the country, or at least of mitigating its severity.

Nothing could have been rationally expected but that the bank, deprived of the deposits, and denounced by the Executive Government, would feel itself called on to take just care of its own interest and its own credit. Of the means necessary to the attainment of these ends, the directors alone were judges, and the committee have no evidence before them to show they have not exercised their judgment fairly,—and with a real solicitude to accommodate the commercial community in the altered state of things as far as has been practicable consistently with the security of the institution, which it is equally their duty to the public and the stockholders to maintain. They are certainly under every obligation of duty, in the present distressed state of the country, to do every thing for the public relief which is consistent with the safety of the bank, and with those considerations which the approaching expiration of its charter makes it important for the directors to regard.

The removal itself, and the manner of effecting it, are causes entirely sufficient, in the judgment of the committee, to produce all the consequences which the country has experienced, and is experiencing, and these consequences, they think, are to be referred to these causes as their just *origin*. How could any other result have been expected? The amount of the deposits was nine millions of dollars. On this amount in deposit there was sustained, no doubt, a discount of far greater magnitude. The withdrawal of this sum of nine millions from the bank necessarily compelled it to diminish its discounts to the full extent of all that part which may be supposed to have been sustained by it. It is to be remembered, too, that this was done at a moment when business of every kind was pressed with great activity, and all the means of the country fully employed.

The withdrawing of so large an amount at such a time, from hands actually holding and using it, could not but produce derangement and pressure, even if it had been immediately placed in other banks, and if no unfriendly feeling, and no want of confidence, had attended the transaction. But, it is quite obvious that the operation to which the Secretary has resorted has been attended with both these additional and powerful causes of derangement. It has created unfriendly feelings, and it has diminished confidence. This change of the deposits is made on the strength of charges against the bank of a very grave and aggravated nature, such as, if true, would most seriously affect its credit for solvency and stability. It is proclaimed to the whole world as having converted itself into a political partisan, misapplied its funds, neglected its highest duties, and entered on a career of electioneering against the government of the country.

These serious charges necessarily put the bank on its defence, and the extraordinary spectacle is exhibited of a warfare by the National Government on the National Bank, notwithstanding that the Government is itself a great proprietor in the bank, and notwithstanding that the notes of the bank are the currency in which the revenues of the country are by law receivable.

The true and natural relation between the Government and the bank is altogether reversed. Instead of enjoying the confidence of the government, it is obliged to sustain its most serious official assault, and to maintain itself against its denunciations. The banks select-

ed by government as its agents are themselves thrown, perhaps unwillingly, into an attitude of jealousy and suspicion with the Bank of the United States. They become cautious and fearful, therefore, in all proceedings; and thus those who should co-operate to relieve the public pressure, are considering mainly their own safety. Fearful of each other, and fearful of the government, they see the distress continue, with no power of beneficial interposition.

It may be asked, why are not these deposit banks able to maintain as large a circulation on the nine millions of deposits as the Bank of the United States? And will they not be thus able when the present panic shall have subsided? The committee think both the questions easily answered.

The Bank of the United States has a credit more general, it may be said more universal than any State bank does possess. The credit of the Bank of the United States is equally solid, its bills and notes received with equal confidence for the purpose of circulation and remittance, in every quarter of the country. No paper circulation, so far as the Committee know, which ever appeared in the world, has approached nearer to the value and uniformity of a specie currency than the notes and bills of the Bank of the United States. To the State banks these notes and bills have performed the office of specie. All the State banks have discounted upon the possession of them, with the same freedom and boldness as they would have done on an equal amount of the precious metals. The curtailment of their circulation, therefore, is not merely a withdrawing of the amount curtailed from the general mass of circulation; it is removing, rather to the amount curtailed, the basis of the general circulation; and although the actual amount of notes and bills has not been recently greatly diminished, there is reason to suppose that the amount held by the State banks has been greatly diminished.

The removal of the deposits has operated directly on the amount of the circulating medium at a moment when that amount could not bear any considerable reduction suddenly made, without producing sensible effect. It has diminished prices, and in some instances, it has had this effect to a very material degree. It has operated on the internal exchange, and has most manifestly, been attended with very serious and heavy inconvenience in that important branch of the national interest. More than all, it has acted on opinion; it has disturbed the general confidence, it has weakened the public faith in the soundness of the currency, and it has alarmed men for the security of property. As yet, we hardly know its effects on the credit of the country in Europe. Perhaps it is not easy to anticipate those effects; but if causes which operate here should be found to have been efficient there also, a still greater degree of pressure and distress than has yet been felt may be expected.

The committee, therefore, cannot but regard the removal of the deposits, on the whole, as a measure highly inexpedient, and altogether unjustifiable. The public monies were safe in the bank. This is admitted. All the duties of the bank connected with these public monies were faithfully discharged. This, too, is admitted. The subject had been recently before the House of Representatives, and that House had made its opinion against the removal known by a very unequivocal vote. Another session of Congress was close at hand, when the whole matter would again come before it. Under these circumstances, to make the removal, with the certainty of creating so much alarm, and of producing so much positive evil and suffering, such derangement of the currency, such pressure and distress in all the branches of the business of private life, is an act which the committee think the Senate is called on to disapprove. The reasons which have thus been stated apply to the whole proceedings of the Secretary relating to the public deposits, and make it unnecessary

to consider whether there be any difference between his power over monies already in the bank, and his power to suspend future deposits. The committee forbear, also, to consider the propriety of the measures adopted by the Secretary, for the safe keeping of the public monies since their withdrawal from the Bank. They forbear, too, from entering into any discussion, at present, of the course of legislation proper to be adopted by Congress under the existing state of things. In this report, they have confined their consideration to the removal of the deposits, the reasons assigned first, and its immediate consequences; and on these points they have formed the opinions which have now been expressed.

They recommend to the Senate the adoption of the resolution which has been referred to them.

SYSTEM OF GENERAL EDUCATION.

(Continued from page 103.)

APPENDIX.

Circular addressed to the Governors of Maine, New Hampshire, Connecticut, New York, and Ohio.

The Legislature of Pennsylvania, now in session, having appointed a joint committee of both Houses, for the purpose of arranging a suitable plan of general education in this Commonwealth; that committee, knowing the great importance of the subject entrusted to them, and anxious to obtain information from every quarter, where systems have been long in operation, respectfully solicit, through their chairman, answers to the following questions, and such remarks upon points that have a bearing on the subject, as your Excellency may have the goodness to give.

1. Have you a school fund sufficiently large to meet the expense of your system, without resorting to taxes?
2. How large is the school fund?
3. If you tax how is the tax laid?
4. What number of scholars of both sexes?
5. Is the system universal; and if so, do the rich avail themselves of it?
6. Are your teachers formed or prepared in the common schools, or have you model schools for them?
7. What is the average annual salary of those teachers, and what the cost per head of the scholars?
8. What is the mode of instruction; whether by the system of Lancaster, or in the usual way?
9. What branches, if any, do your laws direct to be taught, beyond reading, writing, and arithmetic; and at what age are the children admitted and dismissed?
10. How does your plan work? is it susceptible of improvement; if so, in what way?
11. How many scholars compose a school?
12. Are the two sexes taught together; and if not, are males or female teachers employed for the instruction of the girls?
13. Does your plan oblige each township, or school district, to furnish funds of equal amount to those furnished by the Legislature, or arising from the school fund?
14. Is manual labour in any way connected with your system of instruction?
15. Are your schools kept open all the year; if not, how many months?

Finally, May I ask of your Excellency, a copy or an abstract of your school laws, and such observations and suggestions as, in your opinion, may aid the joint committee in executing the important trust confided to them? particularly in relation to the amount of the school fund annually expended; its competency to give a rudimental education; and the mode of its administration, disbursement, &c.

With great respect, I have the honour to be,

Your most obedient,

SAMUEL BRECK,
Chairman of Joint Committee.

Letter from Rev. Dr. George Junkin, President of the Lafayette College at Easton."

To SAMUEL BRECK, Esq.

Chairman of the Joint Committee on Education, &c.

Sir: Viewing your committee as one of the most interesting ever raised by the legislature of my native State, and feeling a deep concern in the success of your plans and objects, and hoping, that a few remarks on the only two queries in your letter on which I feel myself in any peculiar degree qualified to descant, I submit them with great pleasure.

The queries to which I allude are the 6th and 14th. The former of these, to wit: "Are your teachers formed or prepared in the common schools, or have you model schools for them," introduces the great subject of supplying the leading desideratum in a system of common schools, viz: competent teachers. Had we a million a year in our school fund, still the means do not exist, properly qualified, to meet the necessities of the country. They are yet to a great degree, to be taught and trained. How shall this be effected. He who will return the best response to this enquiry will be a public benefactor.

In prosecuting this enquiry, it may be best to state distinctly the thing desired, or in other words, to define a good teacher. And I suppose three qualifications to be indispensable, viz: 1st. The art of governing a school. 2nd. The art of communicating knowledge. 3d. The knowledge to be communicated.

These are set down in what I take to be the order of their importance, but they are all equally indispensable. The last, or mere science without the art of communicating it, is a nullity except to the possessor. The second art is dependent on the first: if he cannot so govern as to command respect, and win upon affection, he cannot find access to the understanding, and consequently, he cannot teach it, to develop its own powers.

Now, if we suppose the existence of an ordinary judgment and perception in one destined to be a teacher, it must be evident, that his capacity to train other minds, will very much depend upon the systematic accuracy, to which his own has been subjected in its training. The art of communicating must be deeply affected by the practice of acquiring, and the habits formed by that practice.

These remarks all go to evince the necessity of a *model school* in which shall be taught the *science*, that is, the knowledge of letters and other things, to be taught to the children in our common schools, and the *arts of communicating and governing*. It does appear to me impossible, to obtain the right kind of teachers, and in adequate numbers without it.

This point settled, our next business is, to settle the plan of obtaining this object. And here I know of but three projects:

1. A manual labour academy near Harrisburg, under the immediate direction of the state authorities, in which 100 of the future teachers are to be pupils.

This project is liable to some difficulties and objections.

1. It must be expensive; a farm of 100 acres will cost	\$10,000
The necessary buildings,	20,000
Four professors, and a superintendent of the farm, another of the mechanical branches, and a general business agent, will cost yearly \$5,000, equal to a capital of	100,000
The farm stock must cost	1,000
The tools and stock in trade of three or four mechanical branches,	12,000
The amount necessary to be invested,	\$143,000

Now, if the tuition be gratuitous, as is contemplated in this plan, you have nothing to set against this ex-

penditure as a draw back, but the profits of the farm and shops.

The farm profits cannot be estimated at more than five per cent on the investment, say \$500.

The profits in the mechanical departments must belong to the pupils, or you will have none. If they are not paid for their labour they cannot be expected to perform it; for the mere gratuity of tuition is not equal to three hours per day at labour. Deduct, then, the principal of \$500, or \$10,000 off, and your academy for 100 pupils stands the State in \$133,000.

2. Another difficulty would be found in conducting such an establishment by State authority directly, in preserving it free from the fluctuations of political feeling and party purposes.

3. A third objection is, the expense necessarily incurred by young men in travelling from the extreme borders of the State, to any one point. Should the proposed academy have two vacations in the year, the distant student's travelling expenses, alone, could not fall much short of \$100.

4. A great difficulty must arise in determining who shall avail himself of the benefits of the proposed academy. To meet this, it has been proposed that they shall be sent in the ratio of the members of the House of Representatives. But still the difficulty exists. If to enter this academy be an object of desire, there will be ten applicants from a county entitled to only one. Who shall determine the question? Can it be determined without favoritism?

5. But the worst of all the objections is its inadequacy; and this in two respects:

First—as to numbers. If the school teachers' course requires two years, (and less it cannot well be,) then this academy can turn off into the field of service but fifty in a year. But the State needs *five thousand* teachers, which it would require *one hundred years* to furnish.

Secondly—The proposed academy would prove inadequate for another reason, viz: it cannot furnish the requisite practical training. The future teachers are here themselves pupils, and they are not supposed to be children, but youth approaching to manhood. Now the business of teaching and governing children, such as exist in common schools, is quite different from governing and teaching young men, and therefore, the young men here, would not see and participate in the labors of a school. They would not learn, practically, what it is to manage a common school. This last objection lies with equal force against the

Second Project, I heard raised on this subject, viz: The establishment of model schools, without manual labour, where the future teachers shall be taught on the best plans. We have settled the question of model schools. They are necessary; and chiefly with reference to the practical training in the difficult matters of government and discipline: and without an *actual school of children*, you have no model at all, be the building and fixtures and apparatus and teacher never so perfect. The very idea of a model, implies a pattern, or example, *set before* the persons to whom it is a model. If he himself is an integral part of the school—a pupil in it—it cannot be to him a model. There lies then in the very nature of the case, this necessity, to wit: You must have a school to teach the *science*, and another school to teach, by the living thing itself, the arts of government and practical details. Now these are furnished in the only remaining, or

Third Project, or plan, which is that of establishing in the existing colleges of our state, model schools, and a teacher's course.

This project has in its favor, the plea of perfect simplicity, and may be explained in a few words:

1. Let each college fix upon a liberal course of studies for school teachers, and constitute a new degree in graduation.

2. Let a common school, to be kept full of children

from the neighborhood, in every respect, such as is desirable to see established in every district of the state, be established contiguous to the college buildings, which school shall be a model in its buildings, its fixtures, desks, books, apparatus, rules and regulations and mode of management.

3. Let the candidate for the collegiate honor of a school teacher's diploma, be in every respect, on the same footing in college with other students—study in the same class, his own particular branches—submit to the same system of discipline, &c., and let him in addition to these, spend a part of every day in the common school, as a spectator, and occasionally as an assistant.

4. When he shall have completed his course, which will take two years, let him pass a final examination, and if approved, receive the honorable testimonial of the board of trustees.

5. Let every teacher thus qualified, who shall teach within the state, receive, besides the provisions made for his support by the people, a yearly allowance from the school fund, for every year he shall teach in one place.

Such is the plan. Let us look at its advantages.

And *First*—It effectually guards against the imposition practised by incompetent teachers.

Second—It will cost but little. Any college in the state, if in operation, might establish such a system, at an expense not exceeding \$2,000.

Third—The numbers that might thus be prepared for service. Without any increase of professors, except the teacher of the model school, whose support would perhaps come wholly from the parents of the children, each college might instruct fifty such students in addition to their present numbers. This would usher forth twenty-five per year, which, if the eight colleges of the state, were in operation, would furnish two hundred well trained teachers every year.

Fourth—It will secure adequate talents in this most important department of the public service. Here lies a great difficulty. Men of talent will not pursue school teaching as a *business* of life. It is only pursued as a stepping stone to more honorable and profitable pursuits. And why? Simply because it is not honorable or profitable.

It is a maxim in political economy, that if you create a demand for any article; you will bring that article into the market. Create a demand, i. e. offer a price for talents in this department, and if it be not indiscreetable, you will have them. Besides, if you elevate, agreeably to this plan, school teaching to the dignity of a learned profession, you make it honorable, and men of true honor will enter it with a view to permanency. But so long as the phrase, "an old school master," is a term of reproach, we shall find difficulty in retaining the talents of the country, in the country's most important service.

Fifth—It binds the extreme interests of education into a perfect unity. This has long appeared to me a desideratum. It meets one of the evils, inseparable from two entirely distinct organizations in the system of public instruction. Let your collegiate institutions be entirely separate and dissociate from the common schools, and the *tendency* is, to create a feeling in both of separation, yea, of contrariety of interests. And it is obvious that the results are anti-republican. They create higher and lower ranks of classes in the community. Indeed this feeling already exists. I have been grieved to see its effects on the minds of some of our most valued friends in the education cause, and I have deprecated its effects. The rich, to whom alone college education is ordinarily accessible, are thus separated from the poor, who are able to go no higher than the common school. Now, the project before us brings an antidote to this schismatic prison. It links the extremes together. The school teacher goes forth from the midst of a large circle of college acquaintances, a professional man. He carries with him to the labours of his most

important avocation, all the kindly feelings, and cherishes the pleasant recollections of his college friends. His former associates settle around him in the other learned professions; their friendships are kept up; their intimacies lead them to occasional visits. The lawyer, the physician, the clergyman call upon their professional friend in his school; enquire into his success, views and prospects; at his request, examine the school and make such remarks upon the performance, as may have the best effect. Thus, the very pupils conceive a strong feeling of interest in the friend of their teacher, and all the stimulating result of a public examination, is the result of a friendly call. They feel more respect for their teacher from the very fact that gentlemen of education and standing, pass him not by in contempt.

A *Sixth* happy result from this plan would be, the eliciting the best talents in the country. Your teachers, thus associated, would have frequent opportunity of inviting attention to the particular pupils who might display genius, and of obtaining the opinions of men competent to judge correctly on the questions of encouraging their parents to send them to higher seminaries. Thus the school becomes more efficiently, what, in any system, it must necessarily be in some degree—a nursery for the college: The tendency is to union.

The 14th query in your paper, brings up the subject of manual labour in common schools. Is it practicable and expedient? I think it is both; and for the simple reason, that it has been long practised, and the good sense of a large portion of the population of our State, has awarded the verdict of its expediency. It must, sir, be known to you, and the committee, that a very considerable portion of the best village schools for females, are manual labour schools. Labours appropriate to their sex, are performed by a large number of our daughters, as a part of the system of common school training.

But can boys be brought under the same system? Why not? Is there less stamina, physical, intellectual or moral, in the son than in the daughter of the same parents? Shall the sister, of slender form, be profitably employed from one to three hours per day, in labours adapted to her constitution and sphere of action in future life: and shall her brother, of vigorous native powers, be incapable of a correspondent application of them?

I have often thought, and do still believe, that the true reason of the fact, that in village and country schools, boys are more difficult to manage than girls, is to be found in this very difference in their treatment. The time expended by the latter at the needle, in and out of school hours, is too often expended by the former in idleness, and consequently in the acquisition of vicious habits. The difference undoubtedly does exist, and, to my mind it is a moral and mental phenomenon, much more satisfactorily accounted for on the above principle, than on the hypothesis of any original difference in the natural qualities.

It may be enquired—if manual labour has been found profitable for the one sex, why has it not been introduced into schools for the other? The proper answer to this, is found in the circumstance, that the furnishing of the means to boys for labour, must be attended with considerable expense. In the summer, they may readily be employed in the garden and on the farm. For this purpose, I would have every school premises in small villages and country places, to consist of some 6 or 10 acres of land, a teacher's dwelling and small barn, and a school house with basement story, and perhaps garret, fitted up for shops. Thus furnished, an ingenious and enterprising teacher, especially if he have graduated in a Fellenberg college, with the labour of his boys for one hour and a half per day, would find little difficulty in raising the entire sustenance for his family, and his boys will be saved the mischievous consequences of idleness, whilst they will learn much that may be of great advantage to them in future life.

In winter they may be employed in manufacturing corn brooms, matts, hay forks, rakes, &c., according to the wants of the neighborhood. The advantage of this system would be

1. Security to health, by systematic exercise, free from the violence which emulation at play often produces.

2. Security, to some extent, against the heart-burnings, jealousies and quarrels which generally grow out of rivalry at play.

3. Security against the greatest of all obstacles to success in teaching,—*habits of idleness*.

4. The practical illustration of one of the most important lessons that can be taught a child, viz: Let all your powers be expanded in doing good.

5. The immense benefits which must result from the formation of *habits*, under the direction of this principle.

6. The saving of expense. After the first investment, a small salary would make the teacher comfortable.

With sentiments of the highest respect for yourself personally, and your valued fellow labourers, I submit these hasty remarks to your consideration, and subscribe myself,

Your obliged humble servant,
GEO. JUNKIN.

Harrisburg, Dec. 17th, A. D. 1833.

(To be continued.)

ANNUAL REPORT OF THE WATERING COMMITTEE.

Read Jan. 23, 1834.—*Published by order of the Councils.*
To the Select and Common Councils of the City of Philadelphia.

The Watering Committee respectfully present to Councils the annexed accounts and statements, in relation to the income and expenditure of the important public works under their direction, for the year 1833; and also submit an estimate for the present year, and such remarks as seem to be requisite, in considering the duty which they have to perform.

The amount of the estimate of the last year was raised by the sum, reserved from the
Water Rents of 1832, of \$26,084 75

There was also reserved from the same source, as per last report, a further sum for the payment of accounts, remaining unsettled in 1832, as follows,—

Due to Thomas D. Grover, and others, on account of building guard pier and ice breaker, \$6,387 50

Due to Peter Fritz, for marble fountain basin, 1,050 00

Due for taxes on Fair Mount Estate, for 1832 787 92

8,225 42

To which add, granted by resolution of Councils in May last for the purchase of iron pipes, &c. 15,000 00

Making the appropriations for 1833, \$49,310 17

Of which there was expended during the year, as per accounts,

Nos. 2, 3, 4, 5, 6, 7, and 8, as follows:—

For the distribution, \$4,624 11

For Fair Mount Works, 14,937 12

For Iron Pipes, 11,887 97

For Water Power, 1,697 00

For Salaries, 3,490 00

For Incidentals	529 10	
For Building,	188 76	
		37,354 06

Leaving a balance of \$11,956 11

From which it is necessary to deduct the supposed balances of unsettled accounts due to Thomas D. Grover, and others, for building guard pier, ice breaker, and for repairs to old wharf, &c. 7,201 26

Leaving a balance for laying iron pipes in streets which may be ordered to be paved or where transient applications are made for a supply of water in 1834, \$4,754 85

There have also been taken from the Water Rents of the year 1833, the following amounts, to wit:—

By the order of Councils, as per the last Annual Report, page 5, \$29,701 85

Taken for the Sinking Fund in June last, 16,000 00

Paid Frederick Graff, as per a resolution of Councils, in June last, 4,000 00

Making, \$49,701 85

The bill rendered by Mr. Grover, for building the guard pier, ice breaker, and repairs to the old wharf on Coates's street, amounts to a considerable sum beyond his estimates. The Committee have proposed to Mr. Grover to have his account settled by referees. Mr. Frederick Erdman has been named to Mr. Grover as the referee appointed on behalf of the City. The proposition sent to Mr. Grover on the subject, in December last, remains unanswered.

The estimate for iron pipes, in 1833, was made on the supposition that iron pipes would only be required in small streets for which petitions for a supply of water were already handed in—the quantity estimated for was 3,000 feet. During the year, 9,497 feet were laid, chiefly for the object of giving a supply of water to new improvements west of Broad street. The rapid state of improvements now progressing in Chestnut street, west of Broad street, leaves very little doubt but that in a short period of time the buildings will be extended to the western termination of the city. These additions to our city, with similar ones now being made along the margin of the Schuylkill, from Chestnut street to Cedar street, have induced the committee to recommend the extension of the iron pipes in that district, in compliance with the petitions of the citizens in that quarter.

At present, the iron pipes terminate in Chestnut street west of Schuylkill sixth, from which it is calculated to carry them down Chestnut, from that point across Schuylkill front to Beach street, and from thence southward either along Ashton or Beach street to Cedar street, together with such branch pipes as may give a supply of water, so much wanted for culinary uses, and more particularly for the protection of much valuable store and other property from conflagration. The old wooden pipes in High street, running west from the main at Broad street to Schuylkill fifth street, have become decayed, and from the increased improvement in that district, are too small to give a supply of water in times of fire. The Committee have therefore concluded to replace them with two ranges of six inch iron pipes, which are also included in the estimate of 1834. During the year, the water wheels and works connected to them, together with the wharf property and store house in Coates's street, have been placed in good repair—the latter, as soon as the pavement in said street (which is now in hand) shall be finished, may be rented to advantage. The safety banks for the support of the northern side of the reservoirs, have been extended so as entirely to secure them from accidents. In accordance with the resolution of Councils, the Committee

have entered into contracts for having the steam engine buildings placed in a state of repair suited to the character of the works, for the convenience of strangers and the public, who visit that place, and for tenements for the workmen who have the charge of the pump machinery. For these improvements, Councils appropriated \$3,500, of which \$188 76, have been expended on account. In September last, the Watering Committee directed their superintendent to have the ground filled up and the curb stone prepared for setting, along the line of Coates's street, agreeably to the act of the Legislature, which granted to the city a certain space of ground on said street, for the purposes of building a guard pier and ice breaker, and for the protection of the Fair Mount Works. The work was executed, and the lines of the property described by a temporary enclosure, when, without any previous notice by the Commissioners of the district, they, with a number of their workmen, erased the enclosure belonging to the city, and took forcible possession of the ground and part of the curb stone belonging to the city corporation. The Committee having deemed it improper to contend force to force to retake possession, have instructed the city solicitor to institute suit against the Commissioners for the trespass.

As it is probable that the water wheels Nos. 1, 2, and 3, which have been in use since 1822, will require to be renewed in one or two years, the Committee recommend, that an additional wheel and pump be placed in the building, the cost for which is embraced in the estimate for the year. Councils directed that the Committee should appoint persons to examine the state of the dam at Fair Mount, and also to have gauged the quantity of water flowing over the dam at the driest season. Gentlemen were appointed to perform those duties, but circumstances occurred, which, connected with the severe indisposition of the superintendent, who was unable to attend, prevented the surveys from being made.

Since the last Report, the Committee have entered into contracts with the Commissioners of the District of the Northern Liberties, and the Commissioners of the District of Kensington, for supplying the latter with Schuylkill water. As the latter district will receive their water through the pipes belonging to the former district it became necessary for the protection of the city, in granting a supply of water to Kensington, that agreements should be made with the Commissioners of both districts. These agreements have been duly signed and delivered, and the Commissioners of Kensington are engaged in making preparations to lay a considerable quantity of pipes in the spring, from which an increased amount of water rents will be added to the duplicates of the present year.

The Commissioners of the District of Spring Garden, having late in the season of 1833 determined to have Coates's street curbed and paved, on which account \$691 30 has already been expended, a further sum will be required for the payment of paving the street and foot pavement of Coates's and Fair Mount streets, with the necessary regulation of the grounds belonging to the city adjoining thereto.

On 8th February last, the solicitor received the amount which had been assessed for ground taken from the city at Fair Mount, for widening Coates's street from fifty to eighty feet, which sum he placed in the city treasury, amounting to \$2,500. There was also paid into the city treasury, by the superintendent, for rent of wharf on Coates's street, for old pipes, iron and other articles sold, the sum of \$1,780 44—making together \$4,280 44 which, as per an Ordinance of Councils of the 25th April last, has been carried by the city treasurer to the account of the tax fund.

The duplicates of water rents of the year 1833, amounted to \$77,567 75

After deducting losses, allowances, and commissions for collection, from the same and adding thereto the increase of 1833,

arising from fractional parts, they amount to 79,437 01

Being an increase of the revenue, of	\$1,869 26
The water rents for 1834, are as follows—	
City,	\$50,025 50
Northern Liberties,	16,879 25
Spring Garden,	9,536 50
Southwark,	8,176 00
Moyamensing,	921 75
	<hr/> 85,539 00
Leaves the disposable amount of water rents for 1834,	\$87,408 26
From which deduct the estimated amount for the support of the works, for 1834,	52,933 00
	<hr/> \$34,475 26
Leaving at the disposal of Councils,	
Which may be applied for the annual appropriation in aid of the Sinking Fund, as per Resolution of Councils,	\$16,000 00
And to the tax fund,	18,475 26
	<hr/> \$34,475 26

Or if Councils should deem it expedient to borrow on loan that part of the amount of the estimate which is for permanent improvements at Fair Mount, and laying iron pipes, amounting to \$41,933—the water rents standing to the credit of the works for 1834, will then be \$76,408 26

Thus it will appear, that although the annual expenses in support and for the improvement of the works, are considerable, still it is highly pleasing to know that those expenses will gradually decrease, while the income derived from them is rapidly increasing.

The increase of water rents for 1834, is—	
City,	\$3,415 25
Districts,	4,556 00
	<hr/> \$7,971 25

The Committee, in closing their Report, deem it expedient to state, that the dispute with the Schuylkill Navigation Company, relative to the forcible possession taken by them of the toll house and locks opposite to Fair Mount, is not yet settled. Suits have been instituted against them, in compliance with the resolutions of Councils, passed April 4th, 1833, which we hope will come to trial at an early date; we have likewise appointed a committee to carry into execution the second resolution, for authorizing us to make application to the Legislature for a confirmation of the grants and privileges transferred to the city by the Navigation Company, which will no doubt eventuate in our regaining our rights and property.

All of which is respectfully submitted
JOHN P. WETHERILL,
Chairman of the Watering Committee.

During the year 1833, there have been laid of Iron pipes,	Feet. In.
In the City	9497 0
Northern Liberties	1981 9
Southwark	2046 6
Spring Garden	7489 0
Moyamensing	6519 0
	<hr/> 27533 3

There were laid previously,	Feet. In.
In the City	248,361 0
N. Liberties	57,095 2
Southwark	38,779 10
Spring Garden	36,349 9
Moyamensing	4217 0
	<hr/> 384,702 9

Making a total of feet 412,236 0
or nearly 80 miles.

The total amount of money paid into the Treasury in 1833, was \$81,217 45
 The water rents on the Girard Estate in the City, amounted to \$386 00

The increase of the water rents during 1833, was
 In the City \$3415 25
 N. Liberties 1739 50
 Southwark 762 75
 Spring Garden 1536 50
 Moyamensing 527 25

Total increase \$7971 25

The total amount of water rents received from the City in 1833, was \$50,336 95

Do. from 1802 to 1832, both inclusive 629,436 98

Total from the City 679,773 93
 From Spring Garden, 1826 to 1833, 30,458 11
 Southwark " 34,427 79
 N. Liberties " 70,081 74
 Moyamensing, 1832 & 1833 694 32

Total \$815,435 89

Fire plugs erected in 1833.

N. Liberties	3	Total	120
Southwark	3	"	87
Spring Garden	15	"	81
Moyamensing	17	"	25
	38	Total	313

There are furnished with water in the

N. District of the City, 4446 dwellings & other establs.			
S. do	4587	do	do
N. Liberties	2134	do	do
Spring Garden	1249	do	do
Southwark	1056	do	do
Moyamensing	112	do	do
	13,584		

Making an income for 1834, of \$85,539 00. The rates are from \$1 50 to 300 dollars, according to the use made of the water. The last sum is for a Bath-house. The dwellings are principally at \$5 00 to 7 50.

Summary of Boats, Rafts, and Freight,

EXPORTED ON THE LEHIGH CANAL, IN 1833.

	Ascend.	Descend.	Total
Loaded Boats	848	3377	4225
Passenger do	11	10	21
Empty do	2601	118	2719
Rafts and Lumber	12	100	112
	3,472	3,605	7,077

FREIGHT.

	Tons cwt.	Tons cwt.	Tons cwt.
Coal		122,928	122,928
Grain	407. 2	798.18	1206
Flour	129.13	3343.17	3473.10
Salt	395. 2		395. 2
Salt Fish, Beef and Pork	315.13	10.17	326.10
Beer, Porter & Cider	13		12
Other Provisions	65.11	29.10	95. 1
Whiskey	58. 5	299. 4	357. 9
Hay and Straw	64. 9		64. 9
Lumber	648. 2	3202.13	3850.15
Cordwood	103.	2326.	2429.
Bricks	279. 2		279. 2
Slate	23.15	364.	387.15
Lime and lime stone	3482.10		3482.10
Other stone and Plaster	1193.19	141.17	1335.16
Iron	78. 5	335. 9	413.14

	Tons cwt.	Tons cwt.	Tons cwt.
Iron Ore	1031. 5	16.	1047. 5
Pitch, Tar, & Rosin	5.11	3	5.14
Merchandise	705 15	24.17	730.12
	8987.11	133,821.	5142,808,16

Amount of Toll received in addition to that on the Company's Coal. \$21,653,56

From the U. S. Gazette.

DELAWARE COAL COMPANY.

By the laws incorporating the Lycoming, the Delaware, and the North American Coal Companies, each are required, annually, to furnish to the Legislature, an abstract of their accounts; verified by the oath or affirmation of the President, or Secretary "showing the whole amount of their capital actually paid into the funds of the company, the sums expended, and the profits accruing within the year, and the amount of dividend declared within each year, &c. &c. We have before us copies of the statements made in compliance with this act by the Delaware Coal Company, which we condense as follows:

1st. Of the *business* of the company, from the first January to the 30th November, 1833; from which it appears that on the 31st December, 1832—

The Company had on hand 1285 tons of coal valued at \$4,468 50

And brought to market in the year 1833, to the 30th November, 23,047 tons of coal (Navigation Company's toll weight,) which cost for mining, hauling, rail road tolls, wharf expenses, tolls to the Schuylkill Navigation Company, freights, taxes, depreciation in value of personal property, and all other contingent expenses to Philadelphia, 83,313 18

That the company paid for rents, salaries and labor, and all other contingent expenses in Philadelphia, and the balance of interest account to the 30th November, 10,209 44

Together amounting to \$97,991 12

And that to the same date (30th November) the Company's retail and cargo sales and shipments of coal had been 21,057 tons, amounting to \$106,688 91

And had remaining on hand 3,237 tons coal, valued, on the wharf at Philadelphia, at 11,329 50

118,018 41

Leaving a balance to the credit of profit and loss, \$20,027 29

The *General Statement* of the affairs of the Company to the same date shows the following—

The Real Estate, including the improvements made on it, which had not been charged to profit and loss, cost the Company \$180,533 27

Personal property, viz—

Cash on hand,	4,657 53
Coal un-odd, at Philadelphia valued at	11,329 50
Thirty-six Canal Boats,	9,728 16
Rail road and Mine Waggon's horses, mules, iron, lumber, mining tools, &c. &c. per inventory and value Nov. 30,	12,338 75
	38,033 94

Balance of sales and shipments and other accounts in favor of the Company 38,401 18

\$256,968 39

The amount of the capital stock actually paid into the funds of the Company, on 5,000 shares, is	\$149,750 06	
The Company owed, on convertible Loan certificates, and balances in favor of sundry persons	78,903 03	
The balance of profit and loss account, in favor of the Company, for the year ending on the 31st December, 1832, was	30,639 18	
From which has been deducted for losses and allowances since made	1,439 40	
And a dividend of 12 per cent on \$125,600 the capital stock then actually paid in	15,072 00	16,511 40
Leaving a balance of	14,127 78	
To which add the balance of profit and loss per statement of the business of 1833, to November 30th,	20,027 29	
	34,155 07	
Deduct expenditures in driving drifts and tunnels, in 1832 and 1833, \$5,568 96; and other improvements of Real Estate 270 75	5,839 71	28,315 36
		\$236,968 39
From the above balance, of profit and loss, November 30th, 1833, \$28,315 36. The Company have since declared a (half yearly) dividend of 6 per cent on \$149,750, the capital then paid in, amounting to	8,935 00	
Which still leaves a balance to the credit of profit and loss, of	\$19,330 3	

PROSECUTIONS FOR MURDER.

MONDAY, FEB. 10.

The Speaker laid before the House the following letter from the Attorney General:

To the Honourable the Speaker of the House of Representatives,

Sir—In answer to the resolution of the House of Representatives adopted on the 6th instant, to the effect that the Attorney General be requested to communicate information on certain points respecting prosecutions for Murder, I have the honour very respectfully to state,

First, That the 2d section of the act of Assembly, passed the 22d of April, 1794, entitled "An act for the better preventing of crimes and for abolishing the punishment of death in certain cases," designated the tribunal which shall determine, in a prosecution for murder; whether the crime be of the first or second degree—"The Jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict whether it be murder of the first or second degree." Until, therefore, a prosecution for murder reaches the stage of trial, through all the preparatory proceedings of accusation, arrest, commitment, indictment and arraignment—the law does not contemplate, and there is no practice of which I am apprised, that the distinction between the capital and the inferior murder, should be assumed or settled.

Second, That I do not believe it to be, any where, a practice for the attorney of the commonwealth, "in all

cases of homicide including such as are clearly supposed to be no more than manslaughter," to indict for murder.

If, indeed, a doubt exists as to the legal character of the act perpetrated, it may be a duty, and it is usual, for the prosecuting counsel so to form the written charge as will leave it at the option of the Grand Jury, whether to put the accused upon trial for the highest offence or not;—and in general, the facts being but imperfectly collected at preliminary inquests and hearings, and very partially communicated to the prosecuting officer, it is deemed by him a measure of prudent caution to shape the indictment so that it may be applied by the Grand Jury, at their discretion, to a case of Murder and of Manslaughter. But where an accurate knowledge of all its circumstances divests a case of doubt, and inspires a belief that it is "*clearly no more than Manslaughter*," and the return of the committing magistrate so denominates it, I am unapprised that any practice exists of tendering an aggravated charge to the Grand Jury.

I am, sir, very respectfully,

Your most obed't serv't,

G. M. DALLAS.

LANCASTER, Pa. Feb. 7.

EARTHQUAKE.—About half past ten o'clock on Wednesday night last, we had something like the shock of an earthquake, attended with a considerable noise. The shaking of the houses was such, as in some instances, to extinguish lamps, and the people generally were so alarmed as to rush to the window, or into the streets. It did not exactly resemble former shocks of earthquakes which we have felt and heard, and we should be rather inclined to attribute it to the explosion of a quantity of gunpowder, were we aware that there was a sufficient quantity to produce the effect within the necessary distance.—*Journal*.

PITTSBURG.—Pittsburg is a *port of entry*, and ship-building has been carried on with spirit, even at the source of the Ohio. A curious incident, connected with this subject was mentioned by Mr. Clay, on the floor of Congress. "To illustrate the commercial habits of the American people, he said he would relate an anecdote of a vessel built and cleared out at Pittsburg, for Leghorn. When she arrived at her place of destination, the master presented his papers to the proper officer, who would not credit them; but said to him, 'Sir your papers are forged. There is no such place as Pittsburg in the world! Your vessel must be confiscated.'—The trembling Captain laid before the officer the map of the United States—directed him to the Gulf of Mexico—pointed out to him the mouth of the Mississippi—led him a thousand miles up to the mouth of the Ohio, and thence another thousand up to Pittsburg. 'There, sir, is the port where my vessel cleared out!' The astonished officer, before he had seen the map, would as readily have believed that this vessel had been navigated from the moon.

MARIETTA, Feb. 6.

Several of our citizens were somewhat alarmed between 10 and 11 o'clock last evening, by the occurrence of some phenomena which they attributed to a slight shock of an earthquake.

Another Soldier of the Revolution gone.—DIED, at his residence, in Mountjoy township, on the 22d Dec. Mr. ANDREW LITTLE, Sen., aged 85 years 1 month and 25 days.

One circumstance of his life has been somewhat singular; having lived all his days nearly upon the same spot; during 52 years of which he raised 11 children; all of whom he saw married, and never had a death in his own family—his eldest child being the first who died, at the age of upwards of 50 years.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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INTERNAL IMPROVEMENT.

Report of the Committee on Inland Navigation and Internal Improvement.—By Mr. Miller, Chairman. Read in the House of Representatives, February 10, 1834.

The Committee on Inland Navigation and Internal Improvement, Report:—The history of the last Session of the Legislature, exhibits a determination to complete all the canals and rail roads then under contract, at a period as early as possible, by appropriating all the means then deemed necessary to carry into effect that judicious design. The motives to this course were, obviously, to preserve the popularity of a system vast in the extent of its views, as important in its anticipated results—retarded in its progress by difficulties and obstacles, which nothing but science, skill, patience and perseverance could overcome at one time, interposed by the hand of nature, which wisdom could not foresee, prudence avert, or human power control. At others, by injudicious legislation, and misplaced economy; by the honest fears of those unfriendly to the whole scheme, or the improvident measures adopted by the incautious confidence and ardent anticipations of its friends:—thus was the completion of the line of improvements connecting the Ohio and the Delaware, together with the lateral branches, too long delayed. The dread of a burdensome State debt, the imposition of a small tax on the estates and incomes of individuals, and the small amount of revenue which the improvements had yielded, in the shape of tolls, excited in the minds of many of our citizens far more uneasiness than was, in the opinion of your committee, called for by the circumstances of the case.

That the limited amount of revenue obtained by the State from these works, and the unavoidable and vexatious delays which had hitherto retarded their completion, should excite the apprehensions of the wavering and the timid, and the remonstrances of the unfriendly, is not calculated to excite surprise in a country governed by laws enacted by the people, who are at once the *rulers* and the *ruled*. Under despotic governments, the will of the sovereign is the *only* law, and must be obeyed. There, the revenues of the State may be directed to the accomplishment of such measures as he may approve: the opinion of the subject is disregarded, and his voice unheard;—and whether his projects are dictated by wisdom or by folly; whether they subserve the interests of his people, his lust of conquest, or his aspirations for glory and renown, they are prosecuted to completion, or defeated for want of power or inadequacy of means. Under our better system of government, where the humblest citizen participates in the government of the land in which he lives, and the disposal of its revenues, the voice of public opinion *must* be heard; and whether its mandates lead to evil or to good, they cannot, ought not, dare not be disregarded! Whether the one or the other form of government be the best, it cannot be necessary to determine—happily, that is already done; but under our system, excellent as it is, and attended with advantages not always duly appreciated, there are, also, inconveniences; and, in the case under review, that steadiness of purpose and perseverance in action, so essential to ultimate success, cannot

so well be maintained amidst the fluctuations of public opinion.

Influenced by motives originating in causes of this and a kindred description, the advocates and the opponents of the improvement system united in a common effort to complete all the public works then under contract, and appropriated to that object all the funds then deemed necessary to effect their object as early as practicable. Circumstances of a nature detailed in the report of the Canal Commissioners, account for the disappointment which the public have experienced by the non-fulfilment of their expectations.

That the public works of the State have been retarded in their progress, by the causes indicated, will not be denied; that losses to a great amount have been the result, and the effect of the losses discouraging to all, is certainly true; but it is equally so, that their march has been steadily onward, and that every year we witness the completion of *parts* of them which were not completed in the preceding one. At this period of time, we find one track of the Allegheny portage rail road has been extended from the western termination of the Juniata division of the Pennsylvania canal to the western base of the mountain barrier, and connected with the eastern end of the western division of the canal,—thus overcoming the most formidable interruption to a cheap and uninterrupted communication between the east and the west.

Reverting to the Susquehanna, we find one track of the Columbia rail road uniting (in addition to other links already completed and in use) that river with the commercial metropolis,—thus affording an additional channel of communication between the commercial cities of the east, and the immense and teeming regions of the valley of the Mississippi and its tributaries. It is true, that these roads are not finished. It is also true, that, even in the imperfect state in which they will be found at the usual time of the opening of the trade of the approaching season, they will afford the means of greatly reducing the expenses of transportation, and enable our merchants to compete more successfully with our enterprising neighbours, in their struggle for that trade; while the produce of the west will have the advantage of a ready and cheap transportation to an eastern market. At Philadelphia, the seller of produce will have, on either hand, the means of access to the markets of New York and Baltimore, if they should present greater temptations for sale or purchase, of which he may avail himself, or dispose of and exchange his produce where he is, and supply himself with those he may need. Nor should it excite any surprise if produce and merchandise should hereafter pass between New York and Pittsburg, by the canals and rail roads of this State and those of New Jersey, especially at some seasons of the year. But until both tracks of these rail roads shall have been completed, and all the facilities which can subserve to make them useful in the most extended sense of the term, they cannot offer to the passing trade all the advantages they are calculated ultimately to afford—nor, even then, can the Commonwealth reasonably expect to realize at once the amount of revenue, which, it would be scepticism to doubt, may or will be derived from them. The disposition of

men to frequent long established marts, and to travel to them on the beaten path, is not suddenly overcome. Old habits not readily abandoned; old associations not easily broken up; a sudden transition from one course to another, can only be induced from powerfully interesting motives. The waggoner reluctantly abandons his old calling; the trader is frequently interested in the employment of the waggoner. The rail road system of travel is not fully adapted to the demands of a trade, the extent of which can only be determined by its own development. Delays occur, discontent ensues, the parts of the system are not in harmony with each other,—gradually, however, they all become adjusted to each other; the system is formed and completed, and moves harmoniously, and hand-in-hand with the demands made upon it. The smaller asperities are smoothed down,—gradually, the *old* disappears and the new takes its place; and as the keel boat has been displaced by the steam boat, on the waters of the west, so will (but not to the same extent) the waggon disappear, and be displaced by the rail road car on the line of the rail road.

To secure to the public the earliest use of the facilities thus at hand; to remove all doubts as to their stability, and every fear of any interruptions in the channels of trade, which might arise from a temporary deficiency of water in any of the canals; to secure them against the risk of accidents, arising from any and every cause obedient to human control, is at once consistent with the dictates of common sense, and the most refined policy. Nothing is so well calculated to mar the prospect of a speedy and ample revenue from these works, as occasional interruptions, arising from a doubt of their being fully supplied with water, and of course, nothing so likely to inspire and sustain public confidence, as a certainty of the reverse. If these views are correct, the appropriations for the construction of feeders or reservoirs, from which copious supplies of water may be drawn into the canals, in aid of the ordinary sources of supply, in seasons of scarcity, should be liberally granted. It cannot be necessary to insist upon this point further than to say, that it is essential to the ultimate prosperity and success of the whole system. It is not intended by these remarks, to cast any censure on the agents of the public, or to intimate a suspicion that the subject has been neglected, or a want of foresight evinced by them; but they are dictated by an excusable anxiety to prepare to meet the demands of a trade, the extent of which cannot be foreseen or calculated.

The importance of a connexion of the Ohio and the Pennsylvania canals, is too obvious to need a very elaborate argument. The public mind has become fully awake on this subject, and the importance, and even necessity of availing ourselves of the means in our power to effect it, is justly appreciated by the patriotic and the discerning in both States. Public opinion and legislative effort had long slumbered, as if unconscious that such a connexion was within the range of practicability or usefulness; but that slumber could not continue. It is broken. While the loss of much of the trade of the State of Ohio was, and is felt and acknowledged by the merchants of Philadelphia, and fast leaving them to add to the vast trade of a rival city, and her already justly boasted commercial pre-eminence; while western Pennsylvania found successful competitors in the manufactures of that country, from a quarter with which they had not hitherto found it necessary to contend, and with whom, they could, by means of this connexion, successfully compete, if not exclude—the citizens of Ohio were fully sensible to the inconvenience, delay and disappointment, they frequently experienced in getting to another market, more distant, more interrupted than the desired one; the risks to which their property is exposed in crossing a lake, whose waters are equally agitated by the winds, and equally, if not more dangerous to navigation, than those of the Atlantic ocean. While the circumstances just mention-

ed limited, and still limits, in some parts of that State, the range of agricultural exertion, those products frequently reach the market of New York in an injured condition, which unfits them to bear the scrutiny of the inspector. It is, therefore, not calculated to excite surprise, that, long since, the Legislatures of both States, foreseeing, though not *then* experiencing the evils since felt, should concur in the adoption of measures leading to a consummation so desirable to both. Accordingly, on the 10th of January, 1827, the Legislature of that State passed an act, entitled An act to incorporate the Pennsylvania and Ohio canal company, which act was approved and ratified by the Legislature of Pennsylvania, by an act passed on the 14th of April of the same year. The operation of these acts is limited to ten years, three of which are unexpired. The adoption of prompt and vigorous measures will enable the citizens of both States to avail themselves of the immense advantages which will inevitably result from making a connexion, opening into a field of trade, the extent and advantages of which can be conjectured, but not justly appreciated; affording to the citizens of both States a more extended and profitable use of their improvements, an increased revenue, and a more general and advantageous employment for the individuals engaged in it. It will not be presumed fair to infer, notwithstanding the powerful motives which should influence this State in desiring this connexion, that its funds should be invested in a work to be made beyond the limits of its jurisdiction; but this objection, however sound it may be, will not apply to the due encouragement, by the stimulus of a guarantee of interest on stock invested in it by individuals for a limited time, to be repaid when the interest on the capital invested should exceed a given rate per cent. While on this subject, your committee will indulge themselves in making a passing inquiry, arising out of those which have preceded it, as one worthy of more Legislative attention than they can now bestow upon it, viz: Whether it is not consistent with the public interest to improve the State by rail roads and canals, by means of incorporated companies of individuals of its own citizens, investing their own funds, and laboring for the promotion of their own interest. Chartered with sufficient safeguard to individual rights and public security, ensuring to the State the due fulfilment of their engagements, the right of revocation of their charters under certain contingencies, and to such companies a certain amount of interest for a term of years, or until the profits of the work should render it unnecessary, and providing for the re-payment of whatever amount might be expended under the provisions of the guarantee, would not be a better method, in most cases, than the one now pursued. One advantage, at least, would result from the adoption of such a plan in cases where strong motives of public interest do not require a different one. The present system requires a confidence in the agents of the public, which, whether merited or not, is perhaps too frequently withheld; and the important duties incumbent upon them, must frequently be performed under the vigilant, jealous and suspicious eyes of those who, from motives arising from local, political or personal causes, are interested in thwarting their execution or hindering their success.

These remarks are not intended to imply censure on our predecessors, nor on the general features of the plan now pursuing in the execution of the magnificent project now approximating to final completion. The result of an attempt to carry into effect an undertaking of such magnitude by any other means than the resources and credit of a powerful State, could only have been failure, procrastination and defeat.

Should these views, on which less reflection and study have perhaps been bestowed than they merit, be adopted, it would be necessary never to lose sight of one essential reservation—the right of the State to purchasing

on fair terms, after a stated period, whatever improvements might thus be made under its sanction.

The committee have, perhaps, too widely digressed, and now return to the subject digressed from, in connexion with that digression. In the special report made to the House by the canal commissioners, on the 19th of December last, they say: "A navigable feeder from the Allegheny river, to intersect the Pennsylvania canal at the north-east end of the aqueduct, near the mouth of the Kiskiminetas, would be a valuable improvement, for the following reasons:

"1st. The canal, (to wit—the Western division,) has now to be fed with water from the Leechburg dam in the Kiskiminetas, (which dam is twenty-three feet high above low water mark,) to Pittsburg, being about thirty-six miles in distance, including the two branches into the Allegheny and Monongahela rivers. In the months of August and September last, the Kiskiminetas river became so low, that for a few weeks, a full head of water could not be maintained in the canal. What has happened, may again take place, during a very dry season, and that too at a time when an immense trade will require a corresponding increase of lockage water. A feeder from the Allegheny river, would not only release the Kiskiminetas from supplying thirty miles below the junction, but in case of much leakage through the high dam at Leechburg, it would also assist the navigation on the same level, for twelve miles above the junction; hence, for this reason alone, such a feeder is very desirable.

"2d. Such a feeder would be a guarantee against any very serious interruption of the trade on the main line, in the event of a failure of the great aqueduct over the Allegheny river, at the mouth of the Kiskiminetas; but without the feeder, a breach of that aqueduct would render the seventy-three miles of canal below Blairsville, wholly useless for the great western commerce.

"3d. The feeder would be from thirteen to sixteen miles long, depending upon the site chosen for a dam in the Allegheny river, and in either case would, with the pool of the dam give an artificial navigation of about twenty miles. This improvement would accommodate some valuable salt works, and unite Kittanning, the county town of Armstrong county, and the surrounding country more closely with the Pennsylvania canal, and it would also be a link in the chain of future improvements for connecting the main line of canal with the French creek division.

"4th. Should the canal be continued from the present termination of the western division, in Allegheny town, to connect with the Beaver division, this feeder will be indispensable."

But the subject is introduced here, more from its accordance with the views already expressed in this report, relating to the importance of maintaining a full, constant and certain supply of water in the canals, and the serious interruption which would ensue in the event of a breach in the aqueduct, than for the other reasons alleged; not that these are of little importance, but that they are less essential under the circumstances now existing, than to those which will in all probability occur hereafter. In accordance, a resolution of the committee of this House, has instructed the Secretary of State to write to the proper department at Washington, requesting a copy of certain surveys deemed necessary to a fuller understanding of the details of the subject. Nothing has been done in furtherance of these views; but they think them of too much import to be passed slightly by. The problem whether the quantity of water now to be depended upon is sufficient for the expected trade, will only be solved by the event. Will it be most prudent to await, or prepare for it?

In the bill reported by your committee, now on your files, provision is made for the extension of the canal from either end of the French creek feeder, towards the harbor of Erie. The importance of this connexion has

long been known and acknowledged, and is fully accorded to by the committee. It forms, as is well known, a part of the original plan for the improvement of the State, and connecting the waters of Lake Erie with the great western line of communication between the eastern and western waters; and, it is presumed, will ultimately prove highly advantageous to the revenue and prosperity of the Commonwealth, and promote the interest of the citizens of its territory. Unfortunately, the variant opinions of the advocates of this connexion, as to the best manner of doing it, has hitherto had the effect of procrastinating the execution of the project. The decision is now referred to the canal commissioners. Thirty miles of this work are authorized to be put under contract, and two hundred thousand dollars appropriated to it. One hundred thousand dollars are also appropriated to the construction of a canal extending from the Chenango dam at or near the town of New-castle, to the Ohio State line, which is also authorized to be put into contract, dependent however on the location, on the part of the Legislature of that State, so far as relates to that part of the contemplated connexions with the Ohio canal, lying within her own territories.

The sum of three hundred and sixty-five thousand, nine hundred dollars, is appropriated to lay a second track of rails on the Allegheny Portage rail road. Besides these, there are no appropriations of magnitude for new works. The remaining appropriations fall within the strict meaning of old work, although a large amount is required to defray the expense of additional work on the Columbia rail-road, believed to be required by the known or supposed views of the Legislature at their last session, and is estimated by the commissioners at *as per* their report.

The appropriations for repairs, forms an item much larger than might be anticipated, and is attributable to the peculiar character of the past season—remarkable for high and destructive floods, which did unusual damage to the public works, and requires a large expenditure. Your committee would not deserve the trust reposed in them, did they not recommend some provision of funds which might be promptly applied to the payment of repairs of injuries of this description. Parsimony in this case is but another name for waste and prodigality. When the funds are exhausted, the injury must be left unprepared—the canals useless, and trade interrupted, or men must be employed at prices enhanced by the prospect of delay of payment. Your committee are not prepared to suggest any better plan to meet this difficulty, than to vest in the Governor of this Commonwealth, authority to borrow the necessary amount for this specific purpose, when the public service requires it, to which your committee do not perceive any sound objection.

Your committee cannot refrain from expressing their deep regret, that the pecuniary difficulties which now excite the anxiety and the fears of so many individuals in our beloved country, should threaten to dissipate those visions of prosperity in which the State has so long indulged, at a moment when their realization seemed to be at hand, and to excite just apprehension that the funds necessary to carry into effect the provisions of these appropriations, cannot be obtained on the same advantageous terms as heretofore. It would be equally idle to enquire into the cause of these difficulties, as to suggest a remedy, in a case where both cause and remedy are so much the subject of ardent and bitter controversy. Time alone can clear away the mists with which the prejudices of the different partizans have enveloped both, and exhibit them in the light of truth. The patriot cannot but lament the effect. To whatever decision the embarrassing circumstances of the times may lead, the Legislature with respect to the new work recommended on the files of the House, the completion of that under contract, together with the completion of the second track of the Allegheny Portage

rail-road, seem to your committee to be indispensable even in the emergency anticipated, an opposite course involving, in their opinion, a sacrifice of the highest interests of the community; but they still indulge the hope that measures may be adopted to disperse the gloom that shrouds the prospect, and restore to it its wonted brightness.

The same causes will, in all probability, seriously affect the revenue arising from the tolls, on such of the public works as are now completed, or speedily to be so, by their disastrous effect on the trade and enterprise of the community; but whatever may be the pecuniary condition of the country, unreasonable expectations and idle anticipations should not be indulged. Experience proves every work, and every change progressive. To divert, at once, the whole current of trade is impossible. The revenue arising from every canal or rail-road, now in a flourishing condition, has required a lapse of years to raise it to its present amount, of which the canals of New York and Ohio, the Union canal and the Schuylkill canal, and others well known, are illustrations. If we may be allowed to reason from experience, the increase of revenue from our own, however rapid, will be progressively developed, and at a period not very remote, satisfactory.

All which is respectfully submitted.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,

By JAMES WRIGHT, Librarian.

OCTOBER, 1833.

Days of the Month.	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature.	Mean temp. of day.	WINDS.
Thermometer.						
1	Tuesday	62	62	62	62	N E
2	Wednesd	62	66	65	64	N W
3	Thursd'y	52	64	60	59	N W
4	Friday	49	57	56	54	N W
5	Saturday	42	60	60	54	S
6	Sunday	47	69	60	59	S E
7	Monday	54	60	60	55	S E
8	Tuesday	60	65	63	59	N W
9	Wednesd	54	66	66	62	N
10	Thursd'd	54	62	55	57	W
11	Friday	42	54	47	48	N W
12	Saturday	50	55	50	52	E
13	Sunday	50	60	49	53	W
14	Monday	50	68	52	57	W
15	Tuesday	51	65	65	60	S E
16	Wednesd	64	68	69	67	S E
17	Thursd'y	65	67	72	68	S E
18	Friday	50	52	53	52	N W
19	Saturday	42	50	50	47	N W
20	Sunday	45	48	45	46	N E
21	Monday	45	46	45	45	N E
22	Tuesday	46	50	44	43	W
23	Wednesd	38	50	48	45	W
24	Thursd'y	41	59	52	51	S W
25	Friday	54	59	57	53	W
26	Saturday	45	53	53	50	W
27	Sunday	43	50	46	46	N W
28	Monday	43	50	46	46	N W
29	Tuesday	40	56	35	40	N W
30	Wednesd	29	40	32	34	W
31	Thursd'y	25	45	32	34	W

Maximum on the 17th	-	-	-	68°
Minimum on the 31st	-	-	-	34°
Difference	-	-	-	34°
Mean	-	-	-	52°

<i>Atmosphere.</i>									
Days of the month.					Morning.		Aftern'n.		
2	3	4	5	9	11	13	14	18	
19	23	24	25	31	14 days	fair	fair	fair	
15	28	-	-	-	2 days	fair	cloudy	cloudy	
6	8	10	22	26	27	29	30	8 days	cloudy
1	7	12	20	21	5 days	rain	rain	rain	
16	17	-	-	-	2 days	rain	cloudy	cloudy	
Days of the month.									
9	-	-	-	-	4 day	-	-	-	Wind.
1	20	21	-	-	3 days	-	-	-	North
12	-	-	-	-	1 day	-	-	-	N E
6	7	15	16	17	5 days	-	-	-	E
5	-	-	-	-	1 day	-	-	-	S E
24	27	-	-	-	2 days	-	-	-	S
10	13	14	22	23	25	26	30	31	9 days
2	2	3	8	11	18	19	26	29	9 days
-	-	-	-	-	-	-	-	-	N W

On the 17th in the evening, thermometer at 72°, the highest.

On the 31st in the morning, at 25°, the lowest.

The wind has been 9 days east of the meridian, 20 days west of it, and 1 day north, and 1 south.

There was rain on 1st, 7th, 12th, 20th, 21st, 16th, and 17th.

Frost on the 5th, 19th, 23d, and 24th.

Mean temperature of this month 5° colder than last October.

SYSTEM OF GENERAL EDUCATION.

(Appendix, Continued from page 125.)

Letter from Rev. Chauncey Colton, President of the "Bristol College."

To the Hon. SAMUEL BRECK,
Chairman of the Joint Committee, &c.

Sir:—The subject with which your joint committee is charged, appears to me to be one of such profound interest to the future prosperity of our Commonwealth, that I most cheerfully comply with your request, in submitting a few remarks on three or four topics embraced in the schedule of enquiries, which you were so good as to put into my hands last evening.

The difficulty of embodying a system of popular education, excellent in itself, has been greatly lessened by the volumes of practical results gathered from the experience of our sister States. The main difficulty of the problem, appears to me to lie in the *adaptation* of such a system to the existing state of things in this Commonwealth. Massachusetts, for example, has a universal system of common school education, based upon taxation, of which the rich and the poor alike and in common avail themselves. This system works well. It is well adjusted to the other parts of the machinery of civil economy and jurisprudence of that State. Connecticut and New York, on the other hand, have *school funds* to meet all, or nearly all, the current expenditures for instruction in their common schools. Their system of *districts* is nearly identical with that of Massachusetts; and in the former of these States, (Connecticut) the whole system operates so efficiently, that an adult, either colored or white, can scarcely be found, who is not pretty familiar with the rudimental branches of English education. In New York, *from the difference of circumstances*, hundreds are to be found, who, under the same system, are left wholly untaught. The common school systems of Vermont and Maine, are based upon the same general principles in regard to districts, taxation, &c. as Massachusetts; and the state of society and tone of public sentiment on the subject of education, being very like what obtains in Massachusetts, the results are nearly the same—universally diffused education, and a

healthful and active interest in the promotion of it, from the common school to the college and university.

In adapting a system of common schools to the existing state of things in our Commonwealth, we are met, as appears to me, with five prominent points of difficulty and embarrassment.

1. The general apathy which exists on the subject, and, to a certain extent, prejudice against concerting any measures which might contribute to a more healthful state of things in education.

2. The want of immediately available resources in the treasury of the Commonwealth, for educational purposes.

3. The low state of our common schools.

4. The depressed and embarrassed state of our chartered academies and colleges.

5. The want of competent teachers for the common schools and academies.

In regard to these several points of difficulty, I beg respectfully to submit the following suggestions.

1. In regard to the apathy which exists in most of the counties of the State, on the subject of education.

Assuming the returns of the last census as a basis, we have the fact before us, that there are in this commonwealth 750,269 children and youth, under the age of 20 years. Between four and five hundred thousand of these, at a moderate estimate, are, by the constitution, placed under the special guardianship of the Legislature, for gratuitous instruction. Now it appears from authentic documents,* that only 20,000 of these are returned as charity scholars, actually receiving, (*nominaly*, I should perhaps say, receiving) the gratuitous instruction to which they are by the constitution entitled. The astounding fact, that there remains nearly 400,000 wholly uninstructed, and that this is borne without scarcely a murmur, or a wish to have it otherwise, evinces a degree of apathy truly alarming.

How may the popular sentiment on this subject be roused, that the way may be prepared for the adoption and successful and efficient operation of a general system of education? No system, however intrinsically excellent, could, in the present state of public sentiment, in perhaps a majority of our counties, obtain. But, let the subject of popular education be entertained in our legislative halls, from year to year, as a subject of the gravest practical interest which can employ the wisdom of our legislators—let the existing evils be fairly gauged and set forth—let *facts*, derived from the present state of things in a majority of our counties, become familiar to those who occupy the high places of influence, and who will diffuse these facts widely among their constituents—allay existing prejudices, and gradually prepare the way for the introduction of a universal system of education, which shall not only provide for those children and youth who are under the special guardianship of the Legislature, but the 300,000 others whose education must be in the last degree defective, under their present advantages.

In addition to these means of arousing public sentiment to the paramount importance of this subject, let a *convention of teachers* be called, after the example of New York, Kentucky, Massachusetts, and Rhode Island, and other sister States, embracing a full representation from the presidents and professors of our colleges, principals of flourishing private schools, corporate academies, and teachers of common schools. Let the leading objects of this convention or association, be to elicit sound practical results from the experience of those actually engaged in the duties of teaching—to gather educational statistics from this and every part of the country, and from other countries—to discuss the relative merits of systems, modes of school and college government, methods of communicating instruction, text books,

&c. Let this teachers' convention be requested to report to the Legislature on the whole length and breadth of the subject, and to place at the disposal of the committee on education, such statistics as may be of permanent practical value.

Such conventions of teachers have, in those States in which they have been held, exerted the happiest influence, not only in raising the tone of public sentiment on the general subject of education, but in uniting more closely those who are engaged in the duties of teaching, and imparting new impulses to those schools and academies which were languishing, by introducing the best systems of government and instruction, the most approved text book, &c.

2. The second point of difficulty in the work before us, arises from the want of immediately available funds for educational purposes.

The munificent *prospective* appropriation, which reflects so much honor upon the session of '31, and which in eight or nine years will place \$100,000 annually, at the disposal of the Legislature, specifically for common school purposes, underwrites, as appears to me, any responsibility which may be incurred by moderate appropriations made to the existing and rising colleges and academies, with a view to preparing the way (*especially in the training of teachers*) for the operation of a general and efficient system, when these funds shall become available.

3. The next point of difficulty, which to my mind presents itself in this problem, is the exceedingly depressed state of common schools, where they exist throughout the Commonwealth.

It is not merely the fact that they are depressed, but that they are *so depressed* as to have produced upon the minds of those in their immediate vicinity, an impression of their utter worthlessness and to have excited a powerful prejudice against every thing which bears the name of common school. Little or nothing, as appears to me, can be done, which shall be brought effectually to bear upon these schools, until some general system shall have passed the Legislature; but measures might at once be adopted, which would prepare the way and contribute powerfully toward the healthful operation of such a system, when introduced. These measures come more appropriately under the discussion of the two following points of difficulty, which I have supposed to exist, viz:

4 and 5. *The low and embarrassed state of our chartered academies and colleges, and the want of competent teachers for common schools and academies.*

Of the chartered academies of this State, there are now forty-four or forty-five, nominally in existence. A very small fraction of this number, however, are in successful operation. Most of these have fallen to the grade of the most ordinary common schools; some of them are a burlesque upon the name of academies; others have lost their charter. Not a few of the whole number chartered have become entirely extinct. These academies have all received legislative appropriations, of at least \$2,000 each, some of them a much larger amount.

Now, in most of our sister States, where the interests of liberal and popular education have been most successfully cherished, the county academies are the very bone and sinew of the system. As a connecting link between the colleges and the *grammar schools** of the villages and the *common schools of the districts*, they exert a control-

* In Massachusetts for example, the *grammar school* is a very important feature of the system. Every village, having a given population, is required by law to support a grammar school, a given number of months each year. This school is usually located in the centre district of the village, and affords competent instruction not only in the rudimental branches, but in English Grammar, Geography, Algebra, History, a Compendium of Natural Philosophy, Rhetoric, and Latin and Greek.

* Returns of the Secretary of the Commonwealth, under a resolution of the House of Representatives of the 9th January, 1833. See Reg. Vol. xi. p. 209.

ling influence upon the whole subject of education. They are so well endowed by the State (often also by private benefactors) as to be placed upon a tolerably independent basis. Their buildings are in general commodious, and erected at an expense of from \$3,000 to \$5,000. Some of them have considerable libraries, chemical and philosophical apparatus, a comfortable house for the principal, &c. and usually pay from \$300 to \$1,000 salary to the principal. This amount is almost uniformly derived from the tuition of students, who are charged from \$2 50 to \$3 50 per quarter, or from \$10 to \$14 per year. The principals or preceptors of these academies, are from among the cleverest of the graduates of the colleges and universities, and often retain their connexion with the academies over which they preside, for years, in some instances, as that of Exeter, New Hampshire, for life. Thus these academies, occupying a position of commanding influence, and being located in the very centre and focus of those means which may be the most effectually brought to bear upon the great mass of mind in the village grammar schools and district schools, present continually the most powerful attraction to the young of both sexes within the range of their influence. They exert also a most valuable and powerful impulse upon every grade of education below them, and their tendency is constantly to push forward the standard of *liberal education* in the colleges and universities above them. They have most of them at present a valuable *teacher's course* connected with them, and during the autumn term of each year, often attract from 20 to 100 young men who are preparing to become practical teachers.

A question of very grave importance suggests itself to my mind, while comparing the chartered academies of our State with those adverted to above, viz: *Cannot our academies be renovated and placed upon such a footing as would give to them at length the relative importance and influence which they ought to possess in a well arranged general system?* I am fully aware of the peculiar embarrassments of some of them. Years may elapse before the reaction produced by their repeated failures will become neutralized. But suppose a minute examination were instituted, and it were found that twenty-five out of the whole number could be resuscitated, and new life and efficiency given to them by moderate annual appropriations? Might not the success of these twenty-five demonstrate the value and importance of this feature of a system of general education, and render it comparatively easy at some future period, to establish and sustain a flourishing academy in every county of the Commonwealth?

In connection with this topic, we have that of the depressed and embarrassed condition of most of the colleges of the State. Of the eight or nine chartered colleges and universities, two or three have actually closed their halls; two or three others have but a languishing and sickly existence; and but for the rank they hold on the basis of their charter, of conferring degrees, could scarcely be said to occupy a position equal to the *academies* of some of the sister States. By extending moderate legislative patronage to all the colleges of the State; for example, \$3,000 each, to relieve any present embarrassments, and \$2,000 annually, to enable them to increase their libraries, chemical and philosophical apparatus, and (where manual labour is identified with their course) to add to their mechanical and agricultural implements, and to provide for a *teacher's course*; might not the object of *furnishing competent teachers for the academies and common schools be effectually subserved?*

The very intimate connection subsisting between a flourishing state of the colleges, (especially those of the country,) and a healthful state of the academies and common schools, may not at once appear obvious; but so forcibly does it present itself to my mind, that I can scarcely conceive it possible for the latter to flourish without the former; and it is equally impossible for

the former to flourish, in a high degree, without the latter. The colleges must educate teachers, competent, well-finished men.—The teachers, on the other hand, in the schools and academies, must train youth for the colleges. The obvious reasons why the graduates of the colleges of this Commonwealth are comparatively so few, are, first—the *depressed state of the academies*, which rarely furnish students for the college classes; and secondly—the *meagre state of the colleges*, which almost rarely furnish teachers for the academies. A reason, also, why nearly three-fourths of our most eminent civilians, and nearly an equal proportion of eminent men in the other professions, are from *other States, or graduates of the colleges of other States*, is, that the colleges of our own State do not possess such attraction, from the real advantages which they hold out, as to compete with those above alluded to; nor do they exert such an influence in calling forth native talent, as to meet, from the yearly number of their graduates, the annual demand.

In regard to the *supply of competent teachers*, a subject intimately connected with the above, and already alluded to, it is obvious that nothing like the requisite number can be immediately, or for several years, furnished. How, under the existing state of things, can we begin in such a manner as to meet the more pressing wants, and ultimately, to make a permanent and full provision for all the children and youth of the State?

In Prussia, where the *science of education (pedagogics)* is carried to a very high degree of excellence, and where the *profession of teaching* is by common consent allowed a high rank among the liberal professions, they have *teachers' seminaries*. In 1830, there were thirty of these seminaries, containing 1600 or 1700 pupils, and furnishing from 650 to 700 teachers annually. The students, in most of these institutions, continue from two to three years, and on leaving, receive a certificate of their competency. In some, they continue a shorter period, and receive only a conditional recommendation. In such cases, it is, *by an edict of Government*, made their duty to return again, after teaching two or three years, for further exercise and trial in the institution, until they are formally invested or recommended as instructors. It is worthy of remark, that these excellent seminaries for teaching, have principally arisen (indeed with one or two exceptions) since 1815; after the *attention of government and the public, had been particularly turned to the improvement of common schools*. The more elevated the standard of instruction became, the more pressing necessity there was found to be, for well educated instructors; and these teachers' seminaries have been increasing in numbers and excellence, in proportion to the increasing demand for able teachers.

With several of the institutions for general education, answering to our colleges, in Prussia, a *teachers' course* is connected. *This was the earliest efficient measure, bearing upon a supply of competent teachers*. With each of the institutions of this class, a model school of children is united, in order to afford an opportunity to the young men who are to be teachers, to become familiar with the management of the school-room, the dispositions of children, and to acquire a facility in communicating knowledge. In so ripe and perfect a system of general education as that of the Prussian dominions, this is found to be a most admirable feature.

I have not adverted to the Prussian system, with a view of recommending it as a whole. No greater mistake in the practical concerns of education can be committed, than copying entire systems, without carefully

* The profession of teachers, numbers, in the Russian dominions, from 21,000 to 23,000. The annual demand to fill the vacancies which occur yearly, is estimated in a recent German work on education, to be nearly 900. The number actually furnished by the teachers' seminaries, being about 700, the remaining number is taken from the gymnasia and schools of general education.

estimating the difference of circumstances. What is intrinsically excellent and admirably adapted to the latitude of Gottingen or Wurtenburg, may be a disastrous failure at Harrisburg.

Nothing but a deep and thorough acquaintance with the existing circumstances, peculiar prejudices, and organization of society, can furnish a safe and intelligent basis of calculation, as to the fitness of any given system, or the modification which it should receive.

In Massachusetts, they have ventured gradually to adopt several features of the Prussian or German system. First, connecting the *teachers' course* with the colleges and academies; and within the last year, establishing a teachers' seminary, *without the model school of boys*. The former, the *teachers' course*, has been, in almost every instance, successful. The latter, the teachers' seminary, is so far successful, though it is generally believed to have been prematurely established. From the personal qualifications, and long and rare experience of its principal, [Mr. Hall,] I do not doubt it may become a permanent, and, perhaps, a triumphantly successful institution. But owing to the difference of circumstances, the same seminary would languish and die among us. The teachers' course might be added to our college system, and at length to that of the academies, when they shall have become sufficiently elevated. When the circumstances are favourable, the *model children's school* might be connected with this course. The colleges, however, are, and will continue to be, so few, that it were impossible that they should accomplish more than a fractional part of the work. They are, moreover, remote from the great bulk of the population. It is, as before hinted, to the *county academies* that we must look. Let the colleges first furnish competent and efficient teachers for these academies, with the *certain prospect that they will be needed*. There is, in all our counties, a rich mine of talent, which remains unwrought. Now, it is only necessary to get access to it with proper means and facilities for operation, to bring it out to the light, and stamp upon it a coinage and superscription which will give it currency. These academies, if on a proper basis, in a flourishing condition, and in the hands of well qualified teachers, would bring the blessings of education so near to every mind that is susceptible of the least impulse or excitement, that they could not fail to bring out for teachers of common schools, and for the liberal professions, hundreds who, but for the nearness of their residence to those, would never have conceived it possible to acquire anything beyond the merest rudiments of education.

I beg to assure you, sir, of the high consideration which I entertain toward yourself personally, and the honourable gentlemen of your committee, and to subscribe myself,

Very truly, your obedient servant,

CHAUNCEY COLTON.

Harrisburg, 19th December, 1833.

(To be continued.)

GREAT MEETING OF THE PEOPLE.

At a meeting of the mechanics, manufacturers, merchants, and others, of the city and county of Philadelphia, signers of the memorial to Congress, asking relief from the present pecuniary distress of the country, held on the square fronting the Merchants' New Exchange, February 22, 1834,

John A. Brown, Esq. in the Chair, and

Samuel Richards, William Gill, Benjamin Naglee, George Miller, Israel Roberts, Thomas Fletcher, Robert Barton, John Scholefield, Bela Badger, Vice Presidents; and

Jacob M. Thomas, Henry C. Corbit, Richard Morgan, Charles J. Wolbert, Secretaries.

The Chairman stated that the object of the meeting

was to receive the report of the Delegation appointed at the meeting held on the 3d inst.

Whereupon, Elihu Chauncey, Esq. on behalf of the Delegation, offered the following report, which was read by Joseph M'Ilvaine, Esq. and adopted by general acclamation.

REPORT OF THE COMMITTEE OF DELEGATES.

The Committee of Delegates appointed by a "meeting of the mechanics, manufacturers, merchants, traders, and others, signers of the memorial to Congress, asking relief from present distress by returning the Government Deposits to the Bank of the United States," to represent at Washington the views and wishes of the memorialists, respectfully submit the following

REPORT.

On the evening of Saturday, the 8th of February, twenty-one of the Delegates assembled in the City of Washington, and entered on the duties assigned them by their fellow citizens. After a consultation with the Representatives from the Second and Third Congressional Districts, it was determined that General M'Kean, of the Senate, and Mr. Binney, of the House of Representatives, should be requested to take charge of the Memorial of the Citizens of Philadelphia, entrusted to the Committee; a request to which both of these gentlemen promptly and cheerfully acceded.

On Monday, the 10th, Mr. Binney laid the Memorial before the House of Representatives, in an eloquent and judicious speech, admirably calculated to promote its objects, and bespeak the favorable attention of the members. He vouched in the strongest manner for the authenticity of the signatures, the truth of the statements contained in the Memorial, and for the character and motives of the subscribers. The Delegates were delighted with the manner and language of Mr. Binney on this interesting occasion, and with the obvious effect produced upon the House. Of that gentleman it is abundant praise to say that he realised every expectation which their knowledge of his distinguished talents and high personal character had led them to indulge.

At his suggestion the Memorial, after being read by the Clerk, was referred to the Committee of Ways and Means, and ordered to be printed, with the names and occupations of all the subscribers.

On Tuesday, the 11th of February, another copy of the Memorial was presented to the Senate, by General M'Kean, with a few appropriate remarks. As that gentleman resides at a distance from the City of Philadelphia, and could therefore have little personal knowledge of the condition of this community, or of the individuals who signed the Memorial, a letter (of which the following is a copy) had been addressed to him by the Delegates, which letter was read with the Memorial, and with it referred to the Committee of Finance.

CITY OF WASHINGTON, Feb. 11, 1834.

"Sir—Having been deputed by a large number of the citizens of the city and county of Philadelphia to present to Congress their Memorial on the subject of the present national distress, we request of you the favor to offer the same to the consideration of the Senate; and, in doing so, we would state some circumstances which our immediate relation to the parties enables us to know.

"That paper contains the signatures of ten thousand two hundred and fifty-nine persons, who are, as we verily believe, citizens of the city and county of Philadelphia, of full age, and for the most part, individually known to us. It expresses the sentiments of men of every political sect, in every station of life, and engaged in every branch of honest industry; of those who, differing on many other points, are brought together by a common sense of suffering, and among whom there

prevails a feeling of intense alarm, anxiety and distress.

"Our community await the action of Congress, in the most painful suspense; making every effort to sustain its condition, and to avert that ruin which may possibly overtake them, while the representatives of the People are yet deliberating on the subject. The miseries of our fellow citizens cannot be depicted without entering too much into detail. We may say, however, that the suspension of our commerce and industry has already been so great, that thousands are without employment, who may be driven, by further pressure, and irresistible necessity, to acts of violence and fraud.

"Believing that a most dangerous crisis is fast approaching, we come to the constituted authorities of the nation, praying them to exercise that power which they alone possess, and by a prompt and efficient remedy, to save our country from the disastrous consequences of a depreciated currency, and a general insolvency.

"At this moment of anxiety, we have left our private concerns, and have come to the seat of Government, prepared to attest the facts, and sustain the principles contained in the Memorial. We therefore respectfully request that, in presenting it, you will express these views to the Senate, with our earnest hope that, by the prompt and efficient action of the Government, the people may be rescued from the evils they now feel, and from the still greater calamities which they justly apprehend.

"We have the honour to be, with profound respect, your obedient servants,

"Elihu Chaucey, Henry Troth, Mordecai D. Lewis, Merrit Canby, John S. Warner, J. Fisher Leaming, Joseph H. Dulles, Isaac Macaulay, Joseph McIlvaine, Joseph Smith, Thomas Fassitt, James Martin, John Struthers, Samuel Comly, Caleb Cope, Thomas Fletcher, Gideon Scull, Bela Badger, Robert T. Potts, Benjamin Naglee.

"Hon. SAMUEL M'KEAN, U. S. Senate."

In further execution of the duties assigned to them, the delegates took the earliest opportunity to call upon all the Representatives in Congress from the State of Pennsylvania, and frankly to lay before them the existing state of the currency, commerce, and industry of the country; the causes which have led to so much public anxiety, and private distress, and the remedies which, in their judgment, would prove effectual.

They, at the same time, extended to those gentlemen a general invitation to visit them in their rooms, for the purpose of discussing the interesting questions connected with their mission; which invitation was very generally accepted, and became the source of much pleasure, as well as instruction, to the delegates. They were gratified to find that a majority of the Pennsylvania members disapprove the course of the Executive in its controversy with the bank, and regarding that course as the primary cause of the distresses of the country, will vote for the restoration of the deposits, and the re-charter of the institution. They were gratified, moreover, by the politeness of many gentlemen whose views were different, and by the disposition, which nearly all of them evinced, patiently to hear, and candidly to examine, the facts and arguments adduced by the delegates. Such conduct is evidence, at least, of a conscientious regard for the interests and opinions of their constituents, and justifies the hope which the delegates confidently entertain, that when public opinion shall have been roused in the various districts of the State, and that opinion freely expressed, the almost unanimous voice of Pennsylvania, in both Houses of Congress, will utter a veto against Executive usurpation, and demand the restoration of the country to its former happy and prosperous state.

The delegates cannot take leave of this part of the subject, without tendering to those members from Penn-

sylvania, with whom they maintained this friendly and agreeable intercourse, the cordial thanks of themselves and their fellow citizens; nor can they omit particularly to mention the polite attentions and zealous co-operation of Messrs. Binney, Harper, and Watmough, the more immediate representatives of this community.

The memorial being thus satisfactorily disposed of in both Houses of Congress, the delegates thought it respectful to call on the President of the United States, and make known to him the condition, the sufferings, and opinions of their constituents. This interview took place by appointment at 2 o'clock on the 11th of February. The delegates having been severally introduced to the President, were received with such politeness and courtesy of manner, as to justify the expectation of a patient and candid hearing. In this, however, they were disappointed. The Chairman had hardly announced in one or two sentences the general nature of our mission, when the President interrupted him, and proceeded in a vehement discourse of more than twenty minutes' duration, to announce to us, and through us to our constituents, *his opinions*, and *his determinations*, in reference to the restoration of the deposits, the recharter of the bank, and the future disposition of the public revenue. In the course of those remarks (which as they were long, and somewhat desultory, it is deemed unnecessary to present in detail) the following positions were distinctly assumed by the President:

1. That application for relief must be made to the Bank of the United States not to him; that whatever distress existed in the community (and he believed there was some distress) had been caused by the bank, which was hoarding its specie and curtailing its discounts in order to crush the State banks and compel the government to abandon its policy. That the executive had no power to relieve the distress of the community, but that the stockholders of the bank might effect that object by electing directors who would conduct its affairs *honestly* and on principles of Christian benevolence.

2. That the present directors of the bank had violated its charter; by giving to the president the whole power of the bank; a power to use its funds without voucher or receipt. That such a power in the hands of one man, was dangerous to the liberties of the country, and had been used to destroy the elective franchise. That the president of the bank, if an honest man, would not have accepted a trust so unlawful. That for these reasons he regarded the bank as a monster of corruption, which *he* was determined to put down. That a bank so using its powers ought (as he repeatedly expressed it) to be *robbed* of those powers.

3. That the law creating the bank of the United States, was in his opinion unconstitutional. That no power to create a National Bank, was conferred, or intended to be conferred by the constitution.—That the provision by which Congress was authorized to regulate the currency, had reference only to domestic and foreign coin, and not to paper of any description.

4. That having made up his mind irrevocably upon all these points—*Andrew Jackson* never would restore the deposits to the Bank—*Andrew Jackson* would never recharter that monster of corruption.—That neither persuasion nor coercion; not the opinions of the people, nor the voice of the legislature, could shake his fixed determination.—That sooner than consent to restore the deposits, or recharter the Bank, he would undergo the tortures of ten Spanish inquisitions; that sooner than live in a country where such a power prevailed, he would seek an asylum in the wilds of Arabia.

5. It was announced by the President that he meant to continue the present system of collecting the revenue by the State Banks, until the experiment had been fully tried, and at all events until the expiration of the charter of the United States Bank. That *he* had no doubt of the success of the experiment, nor that the State Banks would answer all the purposes of the country:—That *he* would furnish the country with as good,

nay, a better and more solvent currency than that of the National Bank.—That he had early foreseen and provided against the inclination of the bank of the United States to crush the State Banks, and that *his* interposition alone had saved them from ruin. That he would continue to protect the State Banks by all the means in his power.

6. The President admitted that considerable distress had followed the action of the Government in relation to the deposits. He had never doubted that *Brokers and Stock Speculators, and all who were doing business upon borrowed capital*, would suffer severely, under the effects of the measure, and that all such people ought to break.

The foregoing paragraphs are believed to contain all the important ideas expressed by the President, in the first part of his discourse to the Delegates. In some emphatic expressions his language is accurately preserved, while his numerous repetitions of the same idea in different words, which served unnecessarily to prolong the interview, have been avoided. Once or twice the Chairman, took occasion to explain that he seemed to misapprehend the position of the Delegates; that they had not come to represent the bank or promote its interests, but to lay before him the condition and wishes of citizens of Philadelphia, unconnected with that institution and engaged in the various departments of commerce and industry. Such explanations, however, produced no visible effect on the tenor of the President's discourse, nor did he allow an opportunity to make those statements as to the condition of this community with which the delegates were especially charged.

In reference to this declaration, that he would continue the present system of collecting the revenue through the State Banks, until the experiment had been fairly tried, one of the Delegates inquired, whether he had determined upon any plan by which the country might be relieved in case the experiment failed. His answer was, that he was disposed to be candid, and would explain his views on that point. That in order to restore the currency to the condition intended by the Constitution, and place the monied concerns of the country where the sages of the Constitution found and left them, he proposed to put out of circulation all notes of five dollars and under by placing the public money in such State Banks, as would issue no notes below ten dollars—and by forbidding the receipt in payment of the revenue of the notes of all banks, which should issue notes under ten dollars. That the same process would next be pursued in reference to all notes under twenty dollars, and thus a metallic currency be ensured for all the common purposes of life, while the use of bank notes would be confined to those engaged in commerce.

The same delegate having inquired when he proposed to put this plan into execution, the answer was, not immediately—not until the expiration of the charter of the Bank of the United States. Go home, gentlemen, (said he) and tell the Bank of the United States to relieve the country by increasing its business. Let the United States Bank make no run upon the State Banks, and I will take care that the State Banks make no run upon her. Let the war between the Banks cease, and all will be well in forty-eight hours. The Bank of the United States is trying to crush the State Banks. Tell the State Banks that I will protect them, and that the power of the United States Bank is nearly gone, and that it will be compelled to cease its present course. Here one of the delegates observed to the President—we are many of us, sir, connected with State Banks, and yet we know of no such warfare between them and the Bank of the United States, as you speak of. It does not exist in the city of Philadelphia. There is, on the contrary, the utmost good will and harmony between the United States Bank and the other Banks of our city, and nearly all the latter are in favor of a re charter. To which the President quickly replied—I know all about

it, sir; I know that some of your banks have combined in favor of the Bank of the United States; I have examined the whole subject, and understand it better than any of you. I have looked impartially at both sides of the question, and have the best information on the subject, from Maine to New Orleans, from the most undoubted sources. I learn this morning, (Feb. 11) from New York, that stocks are rising, and that money is becoming abundant. Let the Directors of the Bank pursue their business on principles of Christian benevolence, and all will be well. Let them wind up the business of the Bank, without attempting to break down the Government, and force a recharter, and it will die with the blessings of thousands; otherwise, it will have the curses of millions. I have read the scriptures, gentlemen, and I find that when Moses ascended the mountain, the children of Israel rebelled, and made a golden calf and worshipped it, and it brought a curse upon them. This bank will be a greater curse. I have no hostility to the bank; I am willing it should expire in peace; but if it does persist in its war with the Government, I have a measure in contemplation which will destroy it at once, and which I am resolved to apply, be the consequences to individuals what they may. The Bank has in circulation ten millions of checks, which I have no doubt are illegal, and which I will direct the State Banks to refuse in payment of the public revenue. These checks must then be returned upon the Bank, and will drain her of the specie she is hoarding. This measure I will apply, unless the bank desists from its course.

Here the Chairman remarked, that the bank was perfectly aware of the design of the Executive in reference to the checks, and gave it as a reason for not extending its discounts, and for retaining so large an amount of specie on hand. That daily and hourly applications for relief were made by our citizens to the bank, without effect. That the Directors of that institution felt bound to husband their resources and stand on the defensive, while so serious a weapon is in the hands of the Executive. Well, sir, replied the President, let them do right and I will not injure them, but if they persist in measures which I deem oppressive and unjust, they must expect to feel my power. In the course of these remarks, of which a plain and certainly not an exaggerated sketch has been attempted by your delegates, the President very frequently used the expression that HE, was determined to place and to leave HIS government, where the sages who framed the Constitution found and left it, and also to place the currency and revenue of the country where the sages found and left it.

It occurred to several of the delegates to ask for an explanation of phrases which conveyed no distinct or tangible meaning to their minds. Their historical reading had taught them, that the framers of the Constitution found the government in anarchy and left it in order; that they found the currency and revenue in ruins, and left both in a state of exalted prosperity; and that one of the instruments by which this change had been effected, was a national bank, bearing almost equal date with the constitution itself—a bank of the same kind which the President had stigmatized as a monstrous contrivance above and against both the constitution and the law. Fearing however that it might lead to a controversy about facts and history, and unwilling to contend with one whose opportunities at least have been better than their own, they abstained from inquiries which their curiosity strongly urged, but which promised to lead to no useful result.

The interview had now lasted about an hour, and during that period it had been impossible for the delegates, without unpardonable rudeness towards the Chief Magistrate of the nation, to refuse to him their business and their wishes. It had become obvious, moreover, that his mind was pre-occupied by a view of the subject, which would neutralize the effects of facts or reasoning, that he regarded the whole question as a contest between the bank on the one hand, and him and

HIS government on the other; a contest in which the people had no concern, except as they might array themselves as partisans of either, that he considered his own power, and the stability of HIS government staked upon the issue; and consequently that the arguments of those who disclaim connection with either party, and owned no allegiance but to truth and justice, and the common weal, would either be rejected without a hearing, or if heard, would be utterly disregarded.

The delegates, therefore, as soon as this painful and (as free citizens they must add) humiliating conviction was forced upon their minds, rose to take leave. One of their number seized the opportunity of a parting word to say, with emphasis, that to the President, and to his conduct in removing the public deposits, the citizens of Philadelphia attributed the distress under which they labor. His reply to this remark was but a repetition of assertions previously made, and the delegates retired with no cause of complaint as to their personal treatment, but indignant that the voice of more than ten thousand citizens, could be deemed by the President unworthy his attention, and with a sad conviction that the high places of power, in a land boasting of its freedom, were closed and barred against unpalatable truth.

The remainder of the week was devoted by the Delegates to conversations with members of Congress, as well from other States as from Pennsylvania, and to the collecting of such information as they thought might prove useful and interesting to their fellow citizens. They have pleasure in saying, that the reception and the treatment which they experienced in all quarters was of the most cordial and friendly kind. Among the gentlemen from other States, to whose co-operation they feel particularly indebted, are Messrs. Clay, Calhoun, Webster, Southard, Sprague, Mangum, Chambers, Porter, Preston of the Senate; and Messrs. M'Duffie, E. Everett, Huntington, and Selden, of the House of Representatives, all well known by character to our constituents, and the latter more especially for his recent disregard of party connections, when they seemed to conflict with the obligations of truth, and with his high sense of public duty and personal honor.

Upon the whole the delegates have abundant reason to rejoice in the general result of their efforts and observations at the seat of Government. They believe that their exertions in connexion with those made by other Committees from various parts of the country have produced a decided impression upon Congress, and that the great work in which the American people have so deep an interest, is auspiciously begun. They could perceive even among the most zealous supporters of the Executive, a growing distrust of the capacity of the State Banks, to answer the purposes of the country, and an increasing opinion that some institution of a national kind was necessary to regulate the currency and to collect and distribute the public revenue.

They found, moreover, that the scruples of those who have heretofore regarded the Bank of the United States as unconstitutional, were fast yielding to the conviction that the power to create a fiscal agent, responsible to Congress, is quite as clear, as the power to employ as such agents those banks already established, over which Congress has no control, but whose responsibility must be to the Executive alone.

They would recommend to all who disapprove the late measure of the executive, not only to express their opinions in public meetings and memorials to Congress, but also through the instrumentality of respectable committees, who may converse face to face with their own Representatives, and prove by their presence at such distance from their homes, that no trifling or imaginary evils are the subjects of complaint. If this course be persevered in, the delegates entertain a sanguine hope, that before the close of the present session, the primary causes of the embarrassment of the community may be effectually removed.

To sustain this opinion which some may consider rash,

let us look back upon the change already effected. Six weeks ago the aspect of affairs at the seat of Government, was gloomy in the extreme. To those who mourned over the bleeding constitution and prostrated industry of the country, there seemed no hope, but in the patriot's maxim not to despair of the republic, while that republic had form and being. At that period of darkness the Executive was supported by a large majority of the House of Representatives, banded together by party relations which seemed indissoluble, and barring at the threshold every measure of relief. How different is the present condition of that House. In a recent vote of direct censure upon the conduct of the President, a bare majority of the members present (which if all the seats were full would sink into a minority) have refused to concur. Of those who refused, many are known to the delegates, to differ with the President as to the constitutionality and necessity of a National bank, and when the question directly occurs will so record their votes.

And how has all this change been wrought? By the voice of an injured people newly awakened to this interesting subject—a voice first uttered in the South, and now returning in echoes upon all the winds—a voice that must prevail unless the people falter in the path of duty and abandon a work which is only yet begun. The great effort should be to rouse public opinion in all parts of the country, and bring it to bear upon the President and Congress. When the former shall have experienced its concentrated force, it will be time enough for him to announce his irrevocable decree. Until then the delegates must continue to believe, what the theory and practice of our government have heretofore taught, that the people are sovereign and that no servant of theirs will dare disobey them.

The delegates having now completed the formal duties assigned them by their fellow citizens, beg leave to close with one or two considerations of most serious import.

The difficulties and embarrassments which they were commissioned to explain to the Representatives of the people, and from which they were instructed to demand immediate relief, are not temporary in their nature but certain to continue with increasing severity, until the cause which produced them is removed, and a just control over the currency of the country once more established through the agency of a national bank. That no other agency can effect this object has more than once been proved by disastrous experience, and that the winding up of the present bank, without any adequate provision for supplying its place, must spread ruin and illeness and poverty where prosperity, industry and comfort have heretofore prevailed, is as certain as the connexion between cause and effect.

Let no man therefore who disapproves of the conduct of the government in reference to the bank, stop short in his exertions, of the great object of producing its recharter. Let no one delude himself with the hope that commerce and industry will gradually accommodate themselves to the new state of things, and that though the career of the executive remain unchecked all may yet be well with the country and the people. That there will be periods of occasional relaxation in the money market is to be expected as the result of other and obvious causes. But the pressure must recur with additional force after each interval of comparative relief. It must continue with such intervals, until either its cause be removed, or the whole property of the country has undergone a revolution. Severe as have been the sufferings of business men, within the last three months, that class of the community are as yet on the threshold of the destiny which awaits them. Numerous as have been the failures in all parts of the country, they are but feeble shadows of those coming events, which, unless Providence shall soften the hearts of our rulers, must involve the land in universal bankruptcy.

Again—The system by which the revenue of the

country is now collected and distributed in opposition to law, and in violation of a solemn contract—that system to which the community is indebted for all its sufferings; is deliberately spoken of by the President of the United States, as an *EXPERIMENT*, which he is determined to *try*; and on the failure of which he will endeavor to find some suitable remedy for the injuries it has occasioned.

Is there an American citizen, who can listen to such a declaration without serious alarm? Is there a citizen who will not inquire by what authority it is, that the fruits of his industry and the hopes of his offspring are made the subject of wanton or useless experiment.

Is there a citizen who will not pronounce that such a power, if it exist at all, exists by usurpation, and not under the letter of the Constitution?

The fact is, this movement is but the last of a long series of experiments upon the credulity and indolence of the American people, all tending to the same object, to prostrate public opinion at the feet of a faction, and secure to that faction both permanent and unlimited power. Hitherto these experiments have seemed to be successful. A disciplined array of office holders and office seekers, the standing army of executive influence, have contrived, in a great measure, to suppress public sentiment, and to substitute in its place a slavish echo of their master's will. Industrious and quiet, and unambitious citizens, with nothing to ask of the government but protection, have abstained too much from public affairs, and have thus left the government of the country in the hands of a small, but active and organized minority. The last great effort of that faction to place the whole revenue at the disposal of the executive, and to grasp the purse with the same hand that wields the sword, will if it prove successful, fix their power beyond the danger of disturbance.

It is for the people, the real people of this country those who love the Constitution, and value its privileges, those who depend for their standing and livelihood upon neither politics nor office, to determine the result of this final and fatal experiment. Such individuals, if they would save the country, must be up and doing; and they should take no rest until the object is attained. The present is no time for half way measures. It is emphatically a time when first principles must be looked to, and no dalliance indulged with questions of expediency. He that would serve his country in this hour of peril, must seek instruction from the pure oracles of freedom, and reject the false prophets who prophecy in its name. He must contribute his full quota to that active and wholesome public sentiment, which alone can preserve our institutions, and operate as a check upon unprincipled rulers. He must realize that, if he neglect to speak or act, on all proper occasions, upon the great questions now at issue, he becomes recreant to his own interest, and betrays his country into the hands of her enemies.

If the present condition of the country be such, as justly to excite the apprehensions of every American patriot, it should be viewed with still greater alarm by the people of Pennsylvania. The fiscal concerns of this commonwealth are in a condition to feel, with double severity, any violent shock to public confidence, any derangement of the currency, or prostration of the enterprise and industry of her citizens. Her wide spread system of internal improvements, on which nearly twenty millions have already been expended, is yet unfinished. To the revenue from her canals and rail roads she has looked with confidence for resources to meet her engagements; and that revenue cannot flow into the public treasury until her leading communications between the Atlantic and the interior are ready for use. In the present state of embarrassment and alarm, while money is commanding an exorbitant interest for the private use; where is she to look for funds to complete her magnificent works, or to place them in a condition to be useful and profitable.

Had it pleased Providence to prolong the prosperity of the country for another year, she might have realised in part the fruits of her enterprise, and would have occupied a position comparatively safe. As it is, if the policy and the action of the General Government undergo no change, she must be content to pause, not at the outset or in the middle of a glorious career, but with the goal of her enterprise distinctly in view; and after nearly all the expense and inconvenience has been incurred. Can her citizens fail to be indignant at such an issue? Will their indignation be less, because the shaft which has levelled their hopes with the dust was forged and aimed by the hand of a rival? The delegates think not. They believe that a spirit is now abroad in Pennsylvania which is destined to redeem both herself and the country. They know that she has the power. They know that when her censures shall have been uttered against the faction which now rules the land, that faction will sink into helpless imbecility, and no obstacle will remain to the satisfactory adjustment of these momentous questions which agitate the community.

One word of exhortation to their fellow citizens, and the delegates have done. It is no common occasion which has called for this unprecedented assemblage. The evils to be averted are of no common character, and call for the exertion of extraordinary energy. A contest has commenced—the parties to which are the people on one hand, and the Executive on the other—a contest full of difficulty and involving our dearest interests as citizens and as freemen. Let all so regard it, and let all so conduct themselves as to show they understand its nature and its consequences. Let him that hath property, spare of his abundance to secure the remainder; let him that hath talents or affluence expend them freely in the cause of social happiness and of chartered rights—and he that has neither of these, let him bring a patriot's heart and a patriot's voice as his most acceptable sacrifice on the altar of his country.

Let old and young, rich and poor, the learned and the unlearned, join hand in hand, and with one voice and spirit, as they have one interest in the event, unite their efforts to bind up the wounds of their afflicted country, and restore her once more to health and prosperity. If the prevalence of such a feeling shall date from this day, the hallowed anniversary of the birth of the father of his country, each succeeding return of the same auspicious day, will carry with it an additional claim to the respect and veneration of the American people.

ELIHU CHAUNCEY,
THOMAS FASSITT,
JAMES MARTIN,
WILLIAM GILL,
JOHN STRUTHERS,
SAMUEL COMLY,
CALEB COPE,
JOSEPH H. DULLES,
THOMAS FLETCHER,
GIDEON SCULL,
JOHN WATERS,
ROBERT T. POTTS,
BENJAMIN NAGLEE,
HENRY TROTH,
MORDECAI D. LEWIS,
JOSEPH SMITH,
MERITT CANBY,
JOHN S. WARNER,
J. FISHER LEMING,
ISAAC MACAULEY,
JOSEPH MILVAINE,
BELA BAUGER,

Committee.

—
CALEB COPE, Esquire, on behalf of the Delegation offered the following preamble and resolutions, which were seconded by JOSEPH R. INZEROTT, Esquire, by

which gentleman they were most eloquently and ably supported, and were adopted without dissent.

The committee recommend the adoption of the following preamble and resolutions.

Whereas it is believed, that a sound currency is essential to national prosperity, and that to the influence of the Bank of the United States are to be attributed the advantages of a sound and equal circulating medium, high public credit and low rates of interest, in the enjoyment of which private enterprise has flourished, and the finances of the state and of the general government have been successfully managed, and it is evident that the attempts now made to break up a system so fully tested and so admirably adapted to our country, are highly injurious, and if persisted in will be destructive alike to public and private prosperity, therefore

Resolved, That the present crisis, so full of danger to the constitution, and so marked by assaults upon all that is valuable in property and in civil rights, demands our resolute, active and unyielding efforts, to restore the broken faith of the government and to sustain the institutions of our country.

2. Resolved, That the avowed intention of the Executive to prosecute an *Experiment* on the National Currency, by wielding at his sole will the entire revenue, is a usurpation incompatible with our system of government, and at utter variance with the duties of a Chief Magistrate of a Republic, who is no more above the law than the humblest citizen of our land.

3. Resolved, That the sentiments of the President of the United States, his manner and tone at the recent interview with the delegates from this community, and his open declarations on that and other occasions, evince a settled purpose to destroy the present currency of the country, by a rash and ruinous experiment. That by his disregard of consequences, resulting from the measures of his administration; by his reluctance to listen to facts or reason, and by substituting the personal feelings and arbitrary will of ANDREW JACKSON, in place of the official dignity and constitutional action of the PRESIDENT OF THE UNITED STATES, he has introduced into the Government a feature unknown to the Constitution and dangerous to the rights and liberties of the people.

4. Resolved, That the common prosperity of the inhabitants of the United States, and more especially the peculiar interests of the State of Pennsylvania and of the city of Philadelphia, demand an immediate re-charter of the Bank of the United States, so that confidence may be restored, lost faith be recovered, an impulse to industry be given, and our country be raised from its present despondency, to a state of active and cheerful enterprise.

5. Resolved, That in the present suspension of commerce and the arts; and in the consequent distress spread through society, we see but the beginning of those evils, which if they be not remedied by the action of Congress, will eventually produce most extended ruin—that it is the duty of every man, who has any thing to lose by a revolution, or any thing to gain by a government of laws, to put forth his strength in behalf of his country, and not to give back until truth shall prevail, and the country be restored to its former prosperity.

6. Resolved, That, in a crisis like this, all minor differences of opinion, all secondary distinctions of sections or of party should be cast aside, and the freemen of the country should be urged to rally under the broad banner of the Constitution, in defence of their primary and essential rights.

7. Resolved, That the people of Pennsylvania, and of other States, be invited to hold county and town meetings, for the purpose of averting the approaching ruin—and it is recommended that Committees of Correspondence be organized, and that deputations from each meeting be sent to Washington, to explain to Congress the condition of the country, and to enforce

the necessity of immediate relief; by a restoration of the currency and public confidence.

8. Resolved, That it be recommended to the freemen of the several counties of Pennsylvania who agree with us in sentiment as to the causes and remedy of the present distress, to appoint delegates to a general convention to be held in Harrisburg, for the purpose of devising measures to restore the prosperity of the country.

9. Resolved, That in the opinion of this meeting the Girard Bank of the city of Philadelphia, ought not to retain the public deposits and thereby countenance and uphold a system which is believed to be unlawful, and which experience has already shown to have a disastrous influence on the prosperity of the city.

10. Resolved, That a committee of thirty be appointed by this meeting with power to convene from time to time, to fill vacancies in their own body, or otherwise to enforce the objects of this meeting at Washington, Harrisburg, and elsewhere; to correspond with other committees throughout the United States, and to adopt such measures as in their judgment will tend to accomplish the objects of the foregoing resolutions, and to continue the same until their exertions shall be crowned with success.

On motion of Elihu Chauncey, Esq. it was

Resolved, That the President, Vice Presidents and Secretaries of this meeting be authorized to select a committee of safety consisting of thirty citizens to perform the duties designated by the tenth resolution, and to give notice thereof in the public papers.

On motion

Resolved, That the thanks of this meeting be presented to JOSEPH R. INGERSOLL, Esq. for his appropriate and eloquent address delivered on this occasion, with the request of a copy for publication.

On motion of John A. Brown, Esq. it was

Resolved unanimously, That the thanks of this meeting are justly due and heartily offered to the gentlemen composing the delegation to Washington for the prompt and faithful manner in which they have discharged the duty confided to them.

Resolved, That the proceedings of this meeting be published in all the daily papers of this city.

On motion adjourned.

JOHN A. BROWN, President.

SAMUEL RICHARDS,

WILLIAM GILL,

BENJ. NAGLEE,

GEO. MILLER,

BELA BADGER,

ISRAEL ROBERTS,

THOS. FLETCHER,

ROBERT BURTON,

JOHN SCROLEFIELD,

Vice Presidents.

Jacob M. Thomas,

Henry C. Corbit,

Richard Morgan,

C. J. Wolbert.

Secretaries.

At the conclusion of the meeting, nine hearty cheers were given for the "Constitution and the Laws."

COMMITTEE OF SAFETY.

The Committee appointed at the meeting of manufacturers, mechanics, merchants, traders and others, held on the 22d inst. at the New Exchange, have selected the following named gentlemen to act as the Committee of Safety, under the 10th resolution of that meeting.

The Committee will meet at the Merchants' Coffee house this evening at 7½ o'clock.

The following is a list of the Committee.

Elihu Chauncey

Henry Flickwir

Caleb Cope

Daniel Fidler

Charles Williams

Arundinus Tiers

Henry Troth	Samuel Grant
Gideon Scull	Timothy Caldwell
Samuel Comly	Andrew C. Barclay
Charles Massey	Trueman M. Hubbell
Joseph M'Ivaine	Robert Wain
John Struthers	Joseph H. Dulles
Merritt Canby	Robert T. Potts
Joseph Few Smith	Cornelius Tiers
Thomas Fassitt	Robert Toland
Joseph Smith, (carpenter)	Thomas P. Hoopes
Lawrence Sluister	Isaac Koons
David Woelpper	Hugh Hollingshead

JOHN A. BROWN, Chairman.
JACOB M. THOMAS, Secretary.

WESTERN PENITENTIARY.

Report of the Committee appointed to visit the Western Penitentiary—Mr. McCleane, Chairman. Read in the House of Representatives, Feb. 10, 1834.

The Committee appointed under a resolution of this House "to visit the Western Penitentiary, to inspect and examine the progress of the work, and to report to this House what further improvements and alterations may be necessary to complete the same," REPORT, That its members examined with as much scrutiny and care as the short time they were enabled to devote to this subject would permit—The block of cells under progress; the accounts and vouchers of those entrusted with the disbursement of the money appropriated to remodel the prison; the situation of the convicts, with reference to their physical and moral condition, together with the fidelity and exertions of the warden and his assistants to secure the benefits for which the prison was intended, and the objects for which our enlightened penal code was adopted. There being as yet but one block of cells commenced, the examination was, of course, confined to this. It is, however the largest block that can be erected within the present bounds,—extending across the centre of the building, and containing one hundred and eight commodious cells, all of which are well ventilated, with sufficient light, and an admirable apparatus for observing cleanliness. The cells in the lower tier are necessarily somewhat larger than those in the second story; but in both ranges they are sufficiently capacious to admit of the employment of the convicts at any of the mechanical occupations. The cells themselves are built of freestone, in a manner which reflects great credit on the skill and judgement of the architect and workmen.

The second story of the range of cells is roofed in by solid slabs of stone, extending across from one partition wall to the other, and secured down by strong bolts in a manner that would appear to render it utterly impossible for one confined within the cell, by the utmost efforts of ingenuity and perseverance, to effect an escape. This plan, in the opinion of your committee, is much preferable to the arched roofs of the Eastern Penitentiary, both as to durability and security. Indeed, the whole plan of the structure appears to be admirably calculated to answer the purposes for which it is intended. It is, however, to be regretted, that the cells are not yet in such a state of forwardness as to fit them for the reception of the convicts, and from what could be learned on the spot, will not be before the middle of March or first of April. This is much to be regretted, as the discipline at present observed in the prison is necessarily very defective from the miserable plan of the old building, being totally unfit for observing the regulations or adopting the method for labor enjoined by our laws for the direction of Penitentiary punishment.

The plan embraced for the construction of the present one, it is confidently believed, will obviate every difficulty, and produce, according to the opinion of competent and judicious persons, the best structure yet devised

for the employment and reformation of the unfortunate beings who are to become its occupants.

The number of cells in the range now constructing, although sufficient for the separate confinement of all the convicts at present in the Penitentiary, it is probable will not remain long so. But there are other reasons which induce the committee to recommend to the Legislature the propriety of making an early appropriation to continue the progress of the work according to the original plan proposed for reconstructing the prison so far, at least, as to complete another block of cells. All the fixtures and necessary apparatus for continuing the work are now on the spot, and in condition to be effectually applied to the purposes for which they were constructed. A large quantity of materials not made use of in the range nearly completed, can be advantageously worked into the block designed to be built; but if its progress should now be arrested this would all be lost, and of course the Commonwealth lose the amount of the original cost, which was very considerable.

There is another consideration, of some importance, which should induce the Legislature to prevent, if possible, any interruption to the continuance of the work:—The persons who have had the superintendence, and performed the labour of what has already been so well accomplished, are at hand to engage in its continuance, and of course their experience must have supplied them with the knowledge of the best means and cheapest way of overcoming the difficulties which must necessarily be encountered in every new undertaking,—being aware that the circumstances which retarded the speed of their former labours will accelerate their future efforts. From these considerations, the committee would recommend to the Legislature to make an immediate appropriation for the purpose of enabling the Inspectors to continue their improvements without interruption.

From an examination of the books and vouchers of those entrusted with the disbursement of the money already appropriated, it appears that the following sums have been expended for the several objects specified, viz:—

For building materials,	\$22,680 24
Labor, superintendence, &c.	13,444 62½
General expenses,	2,225 41
Total,	\$38,350 27½
Amount of cash disbursed,	35,777 51½
Balance,	\$2,572 76½

From the above statement it appears, that the amount expended for these several objects exceeds the amount of cash disbursed by \$2,572 76½, which is accounted for by the fact that considerable sums are credited on the books to contractors and others for building materials and general expenses, which have not yet been paid. Before dismissing this subject, the members of the committee would do great injustice to their own feelings if they omitted to inform the House of the evidence that was afforded on this examination of the industry, zeal and fidelity of the gentlemen entrusted with these laborious duties, and that this arduous labor is performed without compensation, and from a feeling of public spirit alone.

On proceeding to examine the situation of the convicts, the committee were at once thoroughly convinced of the total unfitness of the old building for the purposes of Penitentiary punishment. There being at present more prisoners than cells to confine them in, the Warden is compelled to put two in one cell, and thus violate the Act of Assembly and the sentence of the court by which they were convicted. Nor is this the only inconvenience. The cells in which they are confined being so small, and having no means of ventilation, the air within them, in a few hours, becomes so impure as

to prejudice their health, and renders it necessary to open the doors of their apartments, and thus allow a full communication between the prisoners. At the same time, the rooms are so small and badly lighted they are unable to employ themselves at any labor whilst confined in them; the consequence of which has been, and now is, that the Warden, in order to keep them employed, has to resort to the old mode of Penitentiary labor, by employing the mechanics in the workshops of the prison, and the laborers in the yard. It is, however, but justice to the Warden to say, that the prisoners have been as profitably employed as circumstances would permit. That portion of them engaged as laborers, are employed in working at the cells now erecting; a daily account of their labor is kept, and a credit given to the county from whence they came;—in this way, many of them are enabled to pay the expense of their support. Those engaged in the mechanic arts can do still more; from which the hope may be indulged, that when the new building is finished the community will, in some measure, be relieved from the double burthen of outrage on its peace and property, and the maintenance of the perpetrator.

From what has been said, it will readily be inferred that nothing is gained in the way of reformation. The convicts, from unrestrained intercourse, soon lose every feeling of shame or mortification from the circumstances in which they are placed, and their undivided attention appears to be absorbed in devising means for escape; indulging hopes of pardon, or contriving for future depredations on society. The sooner, therefore, the whole structure is completed, the better it will be for the interests of the people.

The sum necessary to carry this desirable purpose into effect, will be about \$50,000, agreeably to an estimate furnished the board of Inspectors by the Architect, who is ready to obligate himself to accomplish it for that amount. When finished, your committee have no hesitation in saying, it will be unrivalled, in the perfection of its design, for preventing the escape, ensuring the comfort, and contributing to the reformation of the convict. Therefore,

Resolved, That the committee be instructed to bring in a bill granting an appropriation to continue the remodelling and improvement of the Western Penitentiary.

COLONEL M'LANE.

This venerable and distinguished soldier of the revolution, after having reached the patriarchal age of 83, closed his earthly pilgrimage at Wilmington, Delaware, a short time since.

Colonel M'Lane was distinguished for daring personal courage and for his unremitting activity as a partisan officer. He was long attached to Lee's famous legion of horse, which, throughout the war, was the terror of the British. An instance of his personal powers, related to us by himself, may be permitted to give.

While the British occupied Philadelphia, Col. M'Lane was constantly scouring the adjacent country, particularly the upper part of Philadelphia, Bucks, and Montgomery counties—seizing every opportunity to cut off the scouting parties of the enemy, to intercept their supplies of provisions, and to take advantage of every opening which offered for striking a sudden blow. In this capacity he rendered many important services to the army, and caused great alarm to the British; and though they frequently attempted to surprise and take him, yet such was his constant watchfulness, that none of their attempts succeeded. Having concerted with Capt. Craig (now living, we believe, near Belvidere, N. J.) the plan of an attack upon a small detachment of the enemy, they agreed to rendezvous at a house near Shoemakertown, eight miles from Philadelphia, on the Willow Grove turnpike. Col. M'Lane, having ordered

his little band of troopers to follow at some distance, commanded two of them to precede the main body, but also to keep in his rear; and if they discovered an enemy to ride up to his side and inform him of it without speaking aloud. While leisurely approaching the place of rendezvous, in this order, in the early grey of the morning, the two men directly in his rear, forgetting their orders, suddenly called out, "Colonel, the British!" faced about, and putting spurs to their horses, were soon out of sight. The Colonel, looking around, discovered that he was in the centre of a powerful ambuscade, into which the enemy had silently allowed him to pass without his observing them. They lined both sides of the road, and had been stationed there to pick up any straggling party of the Americans that might chance to pass. Immediately on finding they were discovered, a file of soldiers rose from the side of the highway, and fired at the colonel, but without effect—and as he put spurs to his horse, and mounted the roadside into the woods, the other part of the detachment also fired. The Colonel miraculously escaped: but a shot striking his horse on the flank, he dashed through the woods, and in a few minutes reached a parallel road upon the opposite side of the forest. Being familiar with the country, he feared to turn to the left, as that course led to the city, and he might be intercepted by another ambuscade. Turning, therefore, to the right, his frightened horse carried him swiftly beyond the reach of those who fired upon him.

All at once, however, on emerging from a piece of woods, he observed several British troopers stationed near the road, and directly in sight ahead, a farm house, around which he observed a whole troop of the enemy's cavalry drawn up. He dashed by the troopers near him, without being molested, they believing he was on his way to the main body to surrender himself. The farm house was situated at the intersection of two roads, presenting but two avenues by which he could escape. Nothing daunted by the formidable array before him, he galloped up to the cross roads; on reaching which he spurred his active horse, turned suddenly to the right, and was soon fairly out of the reach of their pistols, though as he turned, he heard them call loudly, surrender or die. A dozen were instantly in pursuit; but, in a short time, they all gave up the chase except two. Col. M'Lane's horse, scared by the first wound he had ever received, and being a chosen animal, kept ahead for several miles, while his two pursuers followed with unwearied eagerness.

The pursuit at length waxed so hot that, as the Colonel's horse stepped out of a brook that crossed the road, his pursuers entered at the opposite margin. In ascending a little hill the horses of the three were greatly exhausted, so much that neither could be urged faster than a walk. Occasionally, as one of the troopers pursued a little in advance of his companion, the Colonel slackened his pace, anxious to be attacked by one of the two—but no sooner was his willingness discovered than the other fell back to his station. They at length approached so near that a conversation took place between them; the troopers called out—"Surrender, you c—d rebel, or we'll cut you to pieces." Suddenly one of them rode up on the right side of the Colonel, and without drawing his sword, laid hold of his collar. The latter, to use his own words, 'had pistols which he knew he could depend upon.' Drawing one from the holster, he placed it to the heart of his antagonist, fired and tumbled him dead to the ground. Instantly the other came up on his left, and also seized him by the collar of his coat. A fierce and deadly struggle here ensued; in the course of which Col. M'Lane was desperately wounded in the back of the left hand, cutting asunder the veins and tendons of that member. Seizing a favorable opportunity, he drew his other pistol, and with a steadiness of purpose which appeared even in his recital of the incident, placed it directly between the eyes of his adversary, pulled the trigger, and scattered the

brains on every side of the road. Fearing that others were in pursuit he abandoned his horse in the highway; and, apprehensive, from his extreme weakness, that he might die from loss of blood, he crawled into an adjacent mill pond entirely naked, and at length succeeded in stopping the profuse flow of blood, occasioned by his wound. We have seen a painting of this desperate encounter, very accurately representing the contest. It used to be common in our auction rooms, but of late years has become scarce. It should be revived, painted on a large scale, and be hung up in the house of every man who venerates the memory of the departed patriots of this country.

Germantown Telegraph.

CENTRAL PRESBYTERIAN CHURCH.

We learn that this Congregation is formed out of a part of the Congregation worshipping in the Second Presbyterian Church, corner of Third and Arch street, formerly under the care of the late Rev. Joseph Sanford. After the lamented death of Mr. Sanford, a part of the Congregation withdrew, purchased a lot at the southeast corner of Eighth and Cherry street, 90 feet front on Eighth street, by 160 feet on Cherry street, running to Sheppard's alley. Arrangements were made for building in March, 1833. April 22d, the corner stone was laid with appropriate ceremonies, and on the same day, the Rev. John McDowell, D. D. of Elizabethtown, N. J. was unanimously elected Pastor of the Congregation. Matthew L. Bevan, Samuel Richards, and Matthew Newkirk, were appointed a building Committee, and the Committee employed the Rev. James Smith, Superintendent—Michael Garnett & Son, Carpenters—John Schaffer, Stone Mason—John Struthers, Marble Mason—James Allen, Plasterer—Ettinger, Perrine & Co. Bricklayers—Bancroft & George, Painters—and John Rambo, for Iron Railing. On the lot is erected a Church 68 feet front by 104 feet in length, including the vestibule and portico. The front is finished in the Grecian doric order, with a full columned portico and marble flight of steps. On the east end of the lot, and connected with the church, is erected a three story building, 53 feet in length, and 43 feet in width. The first story is neatly finished for a lecture room—second story divided into two Sabbath school rooms—the third story in one room, and a large room finished in the basement story of the Church, for a coloured school. The Sabbath School rooms will accommodate 900 children. On the north side of the Church there are twenty-one vaults, finished and covered with marble slabs. The interior of the Church is finished in a neat and rich style—all of the pews in the Church are lined with blue moreen, and the seats on the lower floor cushioned, and will seat about 1400 persons. The Church is to be lighted by one grand reflector from the centre of the ceiling, with 42 lamps in it. The lot is enclosed by a neat iron railing fence, and the whole establishment will cost about \$65,000, and be completed in a short time and opened for public worship.

THE REGISTER.

PHILADELPHIA, MARCH 1, 1834.

The Governor has sent a message to the Legislature, in relation to the loan, which was lately unsuccessfully, brought into market. His Excellency attributes the failure principally to the Bank United States, and recommends a demand upon the State Banks for the amount of five per cent on their capital, which by their charters they are required to loan. We received the Message too late for insertion this week; it will appear next.

Expenditures by the City Commissioners in 1833.

New paving,	36,802 90
Unpaved streets,	866 17
Cleansing the streets,	36,544 91
Docks and sewers,	7,231 26
Lighting and watching,	66,957 15
Pumps and wells,	1,699 76
Regulating ascents,	622 12
Expenses of offices,	767 05
Services in markets,	686 70
Incidental expenses of Councils,	92 02
Repairing over water pipes,	12,807 20
City property,	37,950 78
Repaving footways,	607 11
Expenses authorized by Councils,	6,995 71
Sanatory fund,	1,632 12
Broad street rail road,	21,405 64
Total,	233,668 60

For the following items.

Advertising,	\$647 08
Black smith's work,	654 78
Brick layer's work,	907 50
Bricks,	3309 77
Care of clocks,	265 87
Care of Franklin square,	313 36
Independence do.	380 44
Washington do.	908 75
Penn do.	48 11
Carpenter's work,	2,395 53
Cleansing docks and sewers,	468 87
Do. city,	36,474 18
Collecting vaccine cases,	288 75
Curbstone setting,	711 24
Flagstone,	4,108 66
Gravel,	738 54
Hardware,	239 93
Hauling gravel and paving stone,	7,067 88
Killing dogs, 1426,	1,426 00
Laborers and carters,	22,062 75
Lamp and tin work,	1,429 05
Lime,	119 70
Lumber,	1,315 90
Messengers at offices,	480 00
Miscellaneous,	58,213 05
Oil,	22,700 96
Painting and glazing,	248 07
Paving stone,	15,973 93
Pay of watch,	40,468 64
Petty Bills,	3,218 83
Printing and stationary,	2,122 29
Pump maker's work,	1,314 67
Regulating ascents,	622 12
Services in markets,	667 73
Taxes,	471 94
Turning,	201 52
Wharf building,	131 44

In the northern district, under charge of John White, there was—

New paving done, 7,766 square yards, which including stone, gravel, bricks, flag stone and digging, cost \$7,894 83, being \$1 01½ per square yard.

Repaving 2,453 square yards, cost 1,570 44, or nearly 64 cents per square yard.

The number of yards paved with one load of stone, averaged about 6 7-11 lbs.

In the middle district, under care of Thomas Eastlack, there were of new paving, 15,970 square yards, which cost \$16,885 79, or nearly \$105½ per square yard.

Repaving 2,034 yards, cost 1,482 45, or nearly 73 cents, per yard.

A load of stone averaged 6 5-12 square yards.

Southern district, under charge of Wm. Faries.

New paving 18933, cost \$15927 87½, or 84½ cents per square yard.

Repaving 1,370 yards, cost \$403 28, or nearly 29½ cents.

A load of stone average, 7 5-12 square yards, paved.

On Sunday last, the CENTRAL PRESBYTERIAN CHURCH, of which a description is this week inserted, was opened for public worship. Sermon in the morning, by Rev. Dr. John McDowell, (the pastor,) in the afternoon, by Rev. Dr. Samuel Miller, of Princeton, and in the evening, by Rev. Dr. William Neill, of German town. The house was crowded during each service, but especially so in the evening, when, for the first time, the superb apparatus for lighting the church was illuminated. This consists of a circular frame work, or rather plate, occupying a central opening in the ceiling, ten feet six inches, in diameter; so arranged as to be drawn up above the ceiling into a chamber prepared for it, and rendered fire proof: from which, the apparatus when lighted, is caused to descend, upon a level with, or perhaps a few inches below the ceiling. In the centre of the plate is a large gilt star; at some distance from it is a circular row of lamps, each lamp having a silver-plated reflector attached to it, with a central opening to receive the chimney of the lamp. A similar row of lamps and reflectors is arranged around the circumference of the plate, and the space between the rows, is covered with a rich crimson ground, with gilt stars interspersed. A sliding stage is placed over the opening in the ceiling, when the apparatus is drawn up, so as to enable the Sexton to light the lamps. The whole number of lamps and reflectors is forty, and we understand that the place of the large star in the centre is to be filled by a lamp and reflector, which will much improve its appearance. By means of this apparatus, the whole church is furnished with a most brilliant and at the same time agreeable light; the galleries of course receiving the strongest portion. The pews under the galleries, not enjoying the direct rays from the reflectors, require the aid of a few lamps, but persons occupying the pews beyond the galleries, can see perfectly well to read without any additional light. This is, we believe, the first attempt in this country, to illuminate churches by this method, and we consider it a very great improvement, as it removes the unpleasant obstructions to the view of the speaker, and other inconveniences to which,

by the usual mode of chandeliers suspended from the ceiling, the audience is subjected. The apparatus was made by Messrs. Cornelius. We have not learned the cost of it. We understand that during the week, pews have been taken by members of the congregation, (to whom only they have as yet been offered, at the valuation) amounting to upwards of \$20,000. Others who wish to connect themselves with this church, will have an opportunity of obtaining pews, on Monday afternoon next. The gentlemen who have been instrumental in erecting this house, deserve great credit for furnishing so neat, noble and comfortable a building, and one which is so highly ornamental to the section of the city, in which it is located.

We observe by an advertisement, that Cornelius Tiers, of this city, in connexion with several boat owners at different places on the route, have established a daily line for transporting merchandise and general freight, between this city and Pittsburgh, and all intermediate places. The line consists of sixteen Union Canal covered boats, thirty-two cars on the Portage rail road, and seven Pennsylvania Canal covered boats on the western division of the Pennsylvania Canal. Goods will be carried through (either way) by this line in ten days,—a boat will arrive at, and depart from Philadelphia and Pittsburgh, every day, except Sunday. The line will commence running upon the first opening of canal navigation.

Meetings are becoming so numerous in the city, and throughout the state, to express the views of all parties upon the present alarming situation of affairs, that we cannot keep pace with them. We can therefore only make selections from the more important proceedings, or insert them *gradatim*, as we can find room. The whole country seems to be aroused upon the subject, and a state of feeling is being engendered, which we should be glad to see appeased by the speedy removal of the exciting causes, before it becomes uncontrollable.

A new town has been laid off by Robert Darragh, Hiram S. Stow, Charles T. Whippo and John R. Shannon, called MORAVIA, "situated on the state road, about half way between Beaver and Mercer, on the Pennsylvania Canal, at the head of slack water navigation, in a healthy fertile country, abounding in springs of excellent water, bituminous stone coal, iron ore, lime and sand stone." Lots to be sold by auction, on the premises, April 29th, next.

The weather has been unusually mild for the season. Some maple trees in the State House Yard, have been in blossom several days. Leaves are putting out on the willow, honey-suckle and lilac, and we fear from the warm rains we have had, the fruit trees may be too far advanced to withstand later frosts, which must yet occur.

Five fresh shad, taken in the river Delaware, were sold in the fish market, on the 25th of February.

31,843 barrels of flour, and 301,693 bushels of corn were received at Boston, from Philadelphia, in 1833.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 10. PHILADELPHIA, MARCH 8, 1834. NO. 322.

GOVERNOR'S MESSAGE.

*Read in the Senate and House of Representatives,
February 26, 1834.*

To the Senate and House of Representatives of the
Commonwealth of Pennsylvania.

Gentlemen:—Recent events have produced a change in the pecuniary relations of the Commonwealth, so sudden and unexpected, and of a character so blighting to the reasonable hopes and expectations which had heretofore been fondly cherished, and which, from the flattering prospects the recent prosperous condition of the Commonwealth held out to us, we had every reason to believe would be realized, that I feel it my duty to bring the subject before the representatives of the people, as claiming, in a peculiar manner, their attention, and such prompt legislative action, as will be best calculated to meet the emergency.

Of the loan of three hundred thousand dollars, recently authorized by the General Assembly, to meet demands upon the treasury, arising from the failure on the part of the holders of the principal loan of last year, to comply with their contract, the sum of twenty-five thousand dollars still remains undisposed of; and for the balance of the last year's loan, amounting to seven hundred and twenty-nine thousand dollars, and upwards, which had been thrown into the market, and which it was expected would have been negotiated on the twenty-second instant, I regret to say, not a bid was received. A disappointment so extraordinary, was scarcely to have been expected, even under the present deranged state of the money market; but whilst we may regret that a combination of circumstances, so unpropitious and discouraging in their character, and bearing upon the important interests of the Commonwealth, should exist, it is at the same time gratifying to know, that the causes in which they originated are not ascribable to any depression of the credit of the State; to any want of punctuality in meeting its engagements; in the payment of interest upon its debt, or to any mismanagement on the part of those to whom has been intrusted the charge and administration of its fiscal and other concerns. I infer this from the fact, that if such cause had existed, its notoriety would long since have been made manifest. It is said by those conversant with such matters, and whose opportunities for acquiring correct information on the subject, entitles them to belief, that Pennsylvania stocks are in as good credit, and maintain as high prices in foreign markets now, as they have done at any time heretofore.

To what cause then are we to look for the difficulties which embarrass us on every side? It must be owing to extraneous circumstances, unconnected with the Commonwealth or its transactions, and over which it has no control. We must be indebted it is presumed, for this unpropitious state of things, to the existing excitement and alarm got up in relation to a supposed general state of pressure, distress and embarrassment, said now to be prevalent in the money market; and about which we hear so much. All confidence in the currency of the country, is said to be destroyed; that banks as well as individual capitalists, are unwilling to adventure upon

speculations or investments of any kind, or to part with their money upon any terms.

Various causes have been assigned for this alarming state of things, all more or less plausible. Among others it is said that the removal of the public deposits from the bank of the United States, by the General Government, has been the means of producing all the mischief and pressure under which the country is now laboring; and yet many of the friends of that institution admit, that a restoration of the deposits is not necessary to the relief of the money market. Whatever other causes may exist, it cannot be disguised that we have amongst us a powerful monied institution, which is at this time seeking, by all the means of which it is capable, to accomplish certain objects indispensable to its existence; and having an energetic, a firm and unbending antagonist to contend against, all its energies and all its powers (and they are of no ordinary character) have been put in motion, to defeat his measures and to frustrate his designs in relation to it.

It can scarcely be doubted, from the course of operations that institution has been pursuing for some time past, (whether justifiable or not I will not undertake to determine,) that the State is indebted in a great measure for its disappointment's heretofore, and for the failure to obtain its loan of Saturday last. Whether by bringing indiscriminate ruin and distress upon an unoffending community by the Bank is the most certain mode of obtaining a return of the public deposits, a renewal of its charter, or an extension of time to wind up its business, is a question for those who have the direction and management of its affairs, to determine. A milder and more liberal course might have been attended with more favorable results.

The State of Pennsylvania may be crippled and embarrassed in her pecuniary arrangements, and paralyzed for a time, in her efforts to complete her great chain of improvements, by the depressing policy of the Bank, but that is no reason why we should despair of the Commonwealth; our public works may languish for a season, but will not be suffered to languish long; the resources of the State are ample; her credit is unimpaired; her public stocks, although under a momentary depression at home, are highly acceptable abroad, and will, before long, be as eagerly sought after by the capitalist as ever; the crisis in our pecuniary affairs must soon arrive, if we have not already reached it—the clouds of distress and despondency which have been, in my humble estimation, inconsiderately and needlessly brought upon us, must soon be removed, and a happy change and a more prosperous era must inevitably await us.

In the mean time, the balance of the old loan, for which no offer was obtained on Saturday last, will be again placed in the market, and continued there until it shall have been negotiated. I would take this occasion, respectfully to recommend to the consideration of the General Assembly, the propriety of passing a law, forthwith authorizing a call upon the several State Banks, which by their charters are bound to loan to the Commonwealth five per cent upon their capital actually paid in, for a compliance with that provision; part of this sum to be applied to the payment of debts of the Commonwealth due to contractors upon the public works, and the resi-

due thereof to be made applicable to repairs along the lines of the public improvements. The Board of Canal Commissioners will give the necessary information in reference to the sum that ought to be made applicable to each object. An immediate suspension of the work upon the several lines of improvement, until the loan first mentioned shall have been negotiated, will be indispensable. Permit me also respectfully to urge upon the consideration of the General Assembly, the propriety of authorizing a loan of such a sum as will be sufficient to finish the public works now in progress at least; for although the prospect is gloomy, and the money market may continue to be embarrassed for a time, yet that gloom and that embarrassment may pass away like a mist before the morning sun, and our pecuniary affairs may take a turn so favorable, as to enable us not only to obtain a loan upon advantageous terms, but also to complete the works alluded to, before the end of the coming season.

GEO. WOLF.

Harrisburg, Feb. 26, 1834.

SYSTEM OF GENERAL EDUCATION.

(Continued from page 135)

A Letter from Roberts Vaux, Esq.

PHILADELPHIA, 12 mo. 25, 1833.

TO SAMUEL BRECK, Esquire, Chairman,

And the Joint Committee of the Legislature of Pennsylvania, on the subject of Education.

Gentlemen—I am favoured by the receipt of your letter of the 20th instaat, requesting such information as I may possess, relative to the important subject committed to your inquiry and consideration. Your predecessors, for many years past, have made similar calls upon me, and I have very cheerfully responded to them; but unhappily, hitherto, no results have flowed from legislation, adequate to the great ends designed by the constitution, and reasonably looked for by the people. The present excellent chief magistrate of Pennsylvania, has frequently and fully exposed this grave matter to the General Assembly; and in my humble quality, as President of the Pennsylvania Society for the promotion of public schools, I have laboured, by extensive correspondence in the State, to collect information, which has been digested and published in various forms, for the instruction of our fellow citizens. I cannot now, gentlemen, attempt an elaborate exhibition of my reflections, of which this highly interesting topic is susceptible—my leisure does not permit it; but I will very briefly furnish what may be regarded as *mere hints*; and possibly these may lead your minds to the ample investigations, which the case so eminently deserves.

In the first place, then, I conceive that certain preliminary steps should be taken, in order to conduct the legislative body to true and permanent plans. Thus, an inquiry ought to be sent to proper officers in every county, clothed with all the sanctions of law, to ascertain the number of children between the ages of six and fourteen years, designating the sex, and how many have the real benefits of school learning, and how many are destitute of these blessings. Returns to be made before the meeting of the ensuing Legislature to the Secretary of the Commonwealth, by him to be duly arrayed in a tabular form, and laid before the General Assembly. Such a platform is, I think, essential to begin upon. Again—in each county, by like means, it should be ascertained what are the means for supplying instructors; whether such individuals can be provided as are of the proper character? if not, whether there be young persons of established reputation, and known to the inhabitants, who would be willing, and whom they would recommend to be qualified for the office of teacher at the expense of the State, and who would, moreover,

engage to fulfil that important duty, in the neighborhood which should select such candidates. Nothing is more vain, than to attempt the organization of a school system, *with the present lamentable want of suitable teachers*; it must fail of any satisfactory consequences. Appended to the interrogatories concerning the number of children, should be the question about teachers.

For the preparation of teachers, I would propose sending them to the colleges and academies which already exist in this State; and in order to learn what will be the lowest cost of instruction and boarding of pupils, let a circular letter be addressed to each of these institutions, desiring their replies to be forwarded to the officer above designated, in season for the Legislature. The ordinary branches taught in the kind of schools suggested, (excepting Latin, Greek, &c.) to constitute the course of instruction. As for manual labour schools, I do not think them adapted to a system of general education for Pennsylvania; it has been supposed that they might be advantageously formed in different sections of the State, to qualify teachers, but I doubt their fitness even for that purpose; the cost would prove too great.—We have thus devised means to discover how many are to be instructed, and how to provide teachers. When each county is supplied with instructors, let the Legislature apportion to it a sum adequate to its wants, to be determined by the number of children to be taught, at the rate of sixteen dollars per annum for each child, and require the county to provide by a tax, the additional funds to pay the salary of the teacher, and furnish school houses, books, &c. &c. The schools to be governed by directors, to be chosen every three years, when township officers are elected. Their accounts to be rendered annually to the court of Common Pleas, to be by that tribunal handed to the auditors, and by them reported after examination to said court. The amount paid from the treasury of the State, to be annually accounted for by the county commissioners, and reported by the Auditor General, to the Legislature, whose duty it shall also be to examine the said county commissioners' accounts, which are to state the actual number of children in school in each county, for the information of the General Assembly.—As for the branches to be taught in the schools, beginning with the rudiments, let them extend to the utmost limit of the teacher's knowledge, embracing, as it should, all the learning required for the useful purposes of life. I would by no means prescribe the *method* of conducting the institution; every teacher in such school, ought to be left to his own discretion in that duty.

In addition to these means, I have long been extremely anxious to see a book prepared, under the auspices of the Legislature of our State, to be introduced into every school organized under its patronage, and likewise placed in all other schools, and in short, in every family in Pennsylvania. If originally prepared by the State for its own schools, it could be furnished for a mere trifle to other schools and families. This book may be called, *The Pennsylvania Youth's, and Freeman's Book of Duties*. It should be written in a very plain style, and be arranged somewhat after this manner:

Chapter 1.

Of duty to the Creator;

- to parents;
- to brothers and sisters;
- to teachers and school mates;
- to masters teaching any trade or profession;
- to all men;

Of personal respect, and especially the value of temperance.

Chapter 2.

Duty of a freeman;

- To vote at age, and on payment of taxes;
- To serve as a juror in civil and criminal cases, as an arbitrator, on an inquest, as an overseer of the poor, as executor or administrator, as guardian of orphans

children, as an inspector or judge of an election, supervisor of the road, justice of the peace, &c., illustrating briefly the general obligations incident to the faithful discharge of these functions.

Chapter 3.

On the settlement of Pennsylvania, by Penn. the founder, and his followers, showing their practical operations and conduct toward the aborigines; extend this down to the period of the revolution, and the establishment of the actual government, giving the constitution of Pennsylvania, and the declaration of American Independence.

Chapter 4.

On female duties, and occupations in the household, &c. &c.

Chapter 5.

On the general obligations of husband and wife, parents and master and mistress.

Such a book as that suggested, would, I am sure, yield an abundant harvest of good to our Commonwealth, and for a premium or fee of from one to two hundred dollars, a very competent person would prepare it, and the copy right might be so disposed of, as to make it an object with the publisher, to supply the State schools for almost no expense. The whole work could, I think, be embraced in a duodecimo of three hundred pages. The chapters should be divided into sections, so as to render them fit for the ordinary reading lessons, adapted to each pupil of a class. I hope this idea may find favour in your minds, and lead to a useful result.

One more proposition, and I am done. If it were in my power, I would cause another book to be provided by the State, for the use of the *teachers* in the schools to be established, and that should be prepared in the form of *lectures*, and written in as familiar a manner as the respective subjects would allow, viz: On the application of the arts to the purposes of man, on political economy, on astronomy, on chemistry, and on certain branches of natural philosophy. These lectures I would require the teachers in all the public schools, to read at proper times, to his whole charge, at least twice in each week. I am satisfied that in this manner, a most valuable stock of knowledge would be imparted to the youth of our State. We have many competent individuals who could prepare such lectures, and it would be worthy of Pennsylvania to thus show her devotion to the diffusion of useful knowledge among her great and growing population. "*Good instruction is better than riches*," was the motto which the illustrious founder of this State gave to the seal of the first and only literary incorporation granted by him in the city and county of Philadelphia, almost a century and a half ago; and the force and beauty of the sentiment had lost nothing by the lapse of time, nor by the experience of mankind through that eventful period of the world.

It may be supposed that the work which I have ventured to cut out in the preceding rather crude thoughts, cannot be accomplished by a committee of the Legislature, necessarily obliged to devote its attention to other important affairs of legislation. If the business cannot be done thoroughly, it had better not be attempted by such a committee, but let a bill or resolution be passed, constituting a suitable commission to execute the details of the plan, and report the whole to a future session for its final disposition. I should presume three, or five citizens might be selected for such a service, and who would perform it free of cost, excepting actual expenses incurred.

I am almost ashamed to transmit this scrawl, but really have not time to make a transcript of what I have written.

With great respect, I remain

Your friend and fellow citizen,

ROBERTS VAUX.

A second Letter from Roberts Vaux, Esq.

PHILADELPHIA, 12th mo. 27, 1833.

To SAMUEL BRECK, Esq. Chairman,

And the Committee on Education, &c. &c.

Gentlemen—Upon reflection, I find that in my letter to you under date of the 25th inst., I omitted to mention that the Lancasterian system of instruction, is in the most successful operation in the city and county of Philadelphia. No change, in my opinion, can be made here, in this respect. I devoted fifteen years attention in the organization and supervision of this system, as president of the board of controllers of the public schools, and am thus enabled to express a confident opinion concerning its utility. The *book*, and the course of *lectures* about which I wrote, should, in my judgment, be furnished to *this*, in common with every other part of our Commonwealth. Thomas Dunlap, Esq., my successor in the board of control, will furnish you with the annual reports of that institution, according to the request of your chairman.

Very respectfully,

ROBERTS VAUX.

(To be concluded.)

DOCUMENTS RELATING TO THE REMOVAL OF THE DEPOSITS.

(Continued from page 122.)

The House having resumed the consideration of the motion to refer to the Committee of Ways and Means the reasons assigned by the Secretary of the Treasury for the removal of the public deposits, with Mr. McDuffie's motion for instructing the Committee to report a bill for restoring them to the Bank of the United States—

Mr. BINNEY addressed the Chair to the following effect:

Mr. Speaker: The amendment offered by the gentleman from South Carolina, [Mr. McDuffie,] proposes to instruct the Committee of Ways and Means "to report a joint resolution, providing that the public revenue, hereafter collected, be deposited in the Bank of the United States, in conformity with the public faith, pledged in the charter of the said bank." It, therefore, presents directly the question of the sufficiency of the Secretary's reasons for removing the public deposits from the bank, and for making the future deposits elsewhere; and brings up for the consideration of this House every thing that can bear upon the great topics of national faith and public safety that are involved in the issue.

I mean to discuss this great question, sir, as I think it becomes me to discuss it, on my first entrance into this House; as it would become any one to discuss it, having the few relations to extreme party that I have, and being desirous, for the short time that he means to be connected with the station, to do or omit nothing that shall be the occasion of painful retrospect. I mean to discuss it as gravely and temperately as I can: not, sir, because it is not a fit subject for the most animated and impassioned appeals to every fear and hope that a patriot can entertain for his country—for I hold, without doubt, that it is so,—but because, as the defence of the measure to be examined comes to this House under the name and in the guise of "Reason," I deem it fit to receive it, and to try its pretensions by the standard to which it appeals. I mean to examine the Secretary's paper, as the friends of the measure say it ought to be examined—to take the facts as he states them, unless in the same paper, or in other papers proceeding from the same authority, there are contradictions; and then I must be allowed the exercise of private judgment upon the evidence—to take the motives as the Secretary alleges them—to add no facts, except such as are notori-

ous or incontestable, and then to ask the impartial judgment of the House upon my answer.

Sir, the effort seems to be almost unnecessary. The great practical answer is already given by the condition of the country. No reasoning in this House can refute it; none is necessary to sustain it. It comes to us, it is hourly coming to us, in the language of truth, and soberness, and bitterness, from almost every quarter of the country; and, if any man is so blind to the realities around him as to consider all this but as a theatrical exhibition got up by the bank, or the friends of the bank, to terrify and deceive this nation, he will continue blind to them until the catastrophe of the great drama shall make his faculties as useless for the correction of the evil, as they now seem to be for its apprehension.

Mr. Speaker, the change produced in this country, in the short space of three months, is without example in the history of this or any other nation. The past summer found the people delighted or contented with the apparent adjustment of some of the most fearful controversies that ever divided them. The Chief Magistrate of the Union had entered upon his office for another term, and was receiving more than the honors of a Roman triumph from the happy people of the Middle and Northern States, without distinction of party, age, or sex. Nature promised to the husbandman an exuberant crop. Trade was replenishing the coffers of the nation, and rewarding the merchant's enterprise. The spindle and the shuttle, and every instrument of mechanic industry, were pursuing their busy labors with profit. Internal improvements were bringing down the remotest West to the shores of the Atlantic, and binding and compacting the dispersed inhabitants of this immense territory, as the inhabitants of a single State. One universal smile beamed from the happy face of this favored country. But, sir, we have had a fearful admonition, that we hold all such treasures in earthen vessels; and a still more fearful one, that misjudging man, either in error or in anger, may, in a moment, dash them to the earth, and break into a thousand fragments the finest creations of industry and intelligence.

Sir, there is one great interest in this nation, that is, and I fear will for some time continue to be, peculiarly subject to derangement; and yet every other interest is intimately and inseparably involved in it: I mean the currency. We have some twenty scores of banks from which this currency is derived. We have from eighty to a hundred millions of bank notes, with a metallic circulation along with it, not greater, perhaps, than as one to seven. We have, it may be, one hundred and forty to fifty millions of bank notes, and bank deposits, performing in part the same office, with about the same proportion of specie in the banks to sustain it. It is a system depending essentially for its safety upon public confidence, and that confidence depending of course upon the regularity of the whole machine, which again depends upon the control that governs the whole. When compared with the curriencies of England and France—in the former of which the metallic circulation is estimated as nearly one-half, and in the latter as nine-tenths of the whole—it may be seen how much more confidence is required here, and how much greater the liability to shock and to derangement. Yet, by the regulation and control of the National Bank, ever since that regulation and control have obtained, the system has worked well, and it has worked well only by means of them. Sir, this regulation and control have been thrown away—thrown away wantonly and contemptuously. In an instant, sir, almost in the midst of the smiling scene I have described, without any preparation of the country at large, with nothing by way of notice but a menace, which no one but the Bank itself, and she only from the instinct of self-preservation, seems to have respected, this most delicate of all the instruments of political economy has been assaulted, deranged, and dislocated; and the whole scene of enchantment has vanished, as by the command of a wizard. The

State banks are paralyzed—they can do, or they will do, nothing. The Bank of the United States stands upon her own defence. She can do, or she will do nothing, until she knows the full extent of the storm that is to follow, and measures her own ability to meet it. Prices are falling, domestic exchange is falling, bank notes are falling, stocks are falling, and, in some instances, have fallen dead. The gravitation of the system is disturbed, and its loss threatened; and it being the work of man, and directed only by his limited wisdom, there is no La Place or Bowditch that can foretell the extent or the mischiefs of the derangement, or in what new contrivance a compensation may be found for the disturbing force.

Sir, whence has come this derangement? It comes from the act of the Secretary in removing the deposits, and in declaring his doctrine of an unregulated, uncontrolled, State bank paper currency. It is against all true philosophy to assign more causes than are sufficient to produce the ascertained effect. This cause is sufficient—this I verily believe has produced it—and I hope for the patient attention of the House to my humble efforts hereafter to show that nothing else has produced it.

Sir, the Secretary of the Treasury has, in my poor judgment, committed one error which is wholly inexcusable; it is, in part, the error of the argument that has proceeded from the honorable member from Tennessee. That error lies in supposing that there were but two objects to be considered in coming to his decision upon the deposits—the Administration and the Bank. The country has been forgotten. The Administration was to vindicate its opinions. The Bank was to be made to give way to them. The consequences were to be left to those whom they might concern, and they are such as moderate human wisdom might have foreseen, such as are now before us. While the Administration is apparently strong, and the bank undisturbed, the country lies stunned and stupefied by the blow; and it is now for this House to say whether they will continue the error, by forgetting the country here also, or will endeavor to raise her to her feet, and assist her in recovering from the shaft that was aimed at the Bank, but has glanced aside and fallen on her own bosom.

Mr. Speaker, I cannot better show the extent of the derangement which this act is certain to produce, unless it is corrected, than by a statement of the uses which the Bank of the United States, has annually afforded, in various ways, to the people of the United States. I take the year 1832, for which the returns are complete as to the item of exchanges, and the years 1832 and 1833 for some other items of nearly equal moment.

The amount of domestic bills of exchange, purchased in all parts of the Union, in 1832, was	\$67,516,673
[The half year from December, 1832, to June, 1833, was \$41,312,982, showing a large increase in that line during the first half of this year.]	
The amount of domestic bills collected for others, was	42,096,062
The amount of drafts by Bank United States and its offices, on each other, Drafts by Bank United States and its offices, on State banks,	32,796,087
Notes of Bank United States and its branches, received and paid out of place, viz: at places where there was no obligation to pay them,	12,361,337
Notes of State banks received by Bank United States and its branches, where they were not payable,	39,449,527
Transfers of funds for the United States, Transfers of office balances,	21,630,557
	16,100,000
	9,767,667
Making a total of domestic exchanges, Add to which the amount	241,717,910

of—Foreign exchange	
purchased,	\$9,253,533
do sold,	4,203,204
	13,456,737

Making the total amount of exchanges, by means of the Bank of the United States, within the year 1832, 255,174,647

The amount of premiums on domestic exchange, received by the Bank for the same period, was \$217,249.56 which is about one-eleventh of one per cent on the aggregate amount of the domestic operations of the Bank, say \$241,717,910; and this has been the whole cost of this circulation to the people of the United States, by the aid of which their property of every description has been passing in a copious and uniform current, from one extremity of this nation to the other. To this extensive aid must be added that derived from the Bank discounts, which, with the domestic bills purchased, amounted, in the year 1832, to an average sum of \$66,871,349, and, in the year 1833, to an average of \$61,746,708; and that also derived from the constant circulation of her notes, averaging \$20,309,359 for the year 1832, and \$18,493,436 for the succeeding year.

Now, sir, it appears to me that I do no injustice to the Secretary of the Treasury, or to any one who has directed, or authorized, or superintended this act, by saying that it was the *design* of the removal of the deposits to break up this whole machinery; that this was not to be a casual, unexpected, unpremeditated result; but that the removal was ordered for the very purpose of drawing the circulation of the Bank of the United States out of the hands of the people into the hands of the Bank; to compel her, with this view, to reduce her discounts, and diminish the amount of her purchases of domestic exchange; and thus to cut all the ties which united the Bank to the internal trade of the country. I do no injustice by saying this, because, in the letter of the Secretary, if I read it right, this design is there explicitly avowed and defended. But whether designed or not, this will be the effect, and the necessary effect, of the measure, if it shall prove successful. It must, throw the whole machinery of the Bank out of gear; compel her at once to begin the progress which is to liquidate and close her transactions; separate her from the people, and the people from the Bank; and deliver over these vast concerns and interests to confusion and misrule. It is by the revelation of this design, and by the necessary consequences of the measure, this intelligent people have apprehended them, that great distress has already been produced, and the just anticipation of greater distress hereafter. Can any one, after this view of the recent uses of the Bank, and of the effects which have followed, and are to follow, their intended or necessary interruption, ask the reason of the want of employment, the want of money, the stagnation of trade, which prevails in most of our cities? Can he ask the cause of the syncope into which this people have fallen? No, sir, no one can for a moment doubt the cause of all this. It lies in the act of removing the deposits, taken in connexion with its design and doctrine. It is not the mere transfer from one place to another. That is a circumstance which might happen, and has happened already, in the history of this Bank, without producing any alarm whatever. It is not the removal of the deposits simply, but the design with which that removal was made, and the effects which belong to it. The alarm proceeds from looking at the necessary consequences of such a design, unless Congress shall interpose to avert them.

Permit me, sir, before I come to the regular discussion of the reasons adduced by the Secretary of the Treasury for removing the deposits, to occupy a few moments in drawing the attention of the House to some matters, which, to many gentlemen here, are no doubt familiar, but which ought to be known and considered

by all who would form a sound judgment on the question before us. I have said that the removal of the public deposits, if it had been a mere transfer of so much money from one bank to other banks, judiciously regulated as such transfers may be, would not have produced the train of consequences which we have already seen to flow from it. There are gentlemen in this House familiar with as large operations in finance, that have produced no inconvenience. The effects of such a measure must depend upon the condition of trade at the moment of removal, upon the continued or interrupted application of the money transferred, to the same uses to which it has been before applied, and upon the prosecution or discontinuance of the *general system* of bank operations which prevailed at the moment of transfer. What its effects must have been, and must continue to be, in the actual circumstances of the country, taken in connexion with the imputed design, it is not difficult to show.

Sir, the Bank of the United States held of the public deposits, of every description, on the 1st of August, 1833, according to the statement of the Secretary of the Treasury, the sum of \$7,599,931; and they were in a course of increase, which the Bank knew as well as the Secretary, up to the 1st of October, 1833, when they amounted to the sum of \$9,868,435; say ten millions of dollars. How was this money to be paid? The Secretary of the Treasury had a right to demand its payment, when, where, and in such sum or sums, as he thought fit. He had such a power to do it in point of form, that the Bank could not question its exercise in point of right. It was the duty of the Bank to be prepared to pay it; and the question must be answered, how was the money to be paid?

The answer given to this question, and given with a view to involve the Bank in odium and prejudice, is this: that she ought to have paid it, or whatever the Secretary chose to require of it, in specie, from her vaults, without distressing the community, by calling upon others to pay their debts to her. To say nothing of the fact, sir, that the Bank has always paid every one, the Treasury included, in specie, unless they preferred something else, the doctrine that she was to pay in specie to the Treasury, without putting herself in a condition to require it from some one else, is a doctrine which I cannot admit. It is one that will not bear examination.

The Bank, on the 1st of October, 1833, had specie in all her vaults to the extent of \$10,663,441. If she had been so situated at that time as at this, or any considerable portion of it, had left her vaults, without being brought back again, the consequences might have been of the most pernicious character to herself and to the whole country. The Bank had a circulation of more than eighteen millions to sustain, exclusive of her private deposits. A new era had opened. A new system was about to be adopted in the fiscal affairs of the Union. Its effects were to be seen. The extent to which the Treasury was about to assail her could not be known. The slightest interruption, the slightest fear of interruption, to her promptness and punctuality, would have raised that apprehension for her stability which has been excited for others. Sir, to ask this Bank, under these circumstances, to empty her vaults of specie, without taking any measures of precaution to replenish them, would have been to ask the able directors to throw away their whole capital of reputation, and that of the Bank also. They would have proved themselves unworthy of the occasion on which they were called to act. What, sir, at the very outbreaking of the storm, when no human intelligence could tell how long it was to last, or what would be the fury of its violence, to ask the pilots of this bark to keep all her sails set, and to throw her ballast overboard! No, sir; the Bank was bound to do as she has done. She was bound to prepare for the trial. She was bound to strengthen her position, by diminishing her discounts;

and she has diminished them, in my judgment, most wisely, most discreetly, and most tenderly. And yet, sir, it is from this circumstance—the mere reduction of loans and purchases of bills, without looking either to the necessity for that reduction, or to the extent and effect of it—that some men of honest and upright minds have been prejudiced against her. I can show, without difficulty, that it is a mere prejudice.

The Bank had to pay over ten millions of public deposits, and she ought not to have exposed herself to lose any material portion of her specie, without being in a condition to recall it. She had then but one resource, and that was, unless the interest of her debtors did of itself produce the effect by diminishing their loans, to call upon them to assist her in paying the amount. There was no other way open to her; and the degree to which she must call, in order to obtain assistance to a given extent, is a point in practical banking to which it is material for gentlemen to advert.

In explaining this operation, so as to make it intelligible to that portion of the House which may not be familiar with banking, I will state the argument against the Bank. It is said, sir, that whatever amount she requires her debtors to pay, or withholds from other borrowers after it is paid, is to be set down as an actual increase of her ability to meet the demand for the public deposits. This is a very specious but wholly unsound proposition. In the process of reduction of discounts, with a view to increase the ability of a bank, two and two do not always make four; they sometimes do not even make two. The Bank not only has debtors, but she is herself a debtor to the Treasury for the public deposits, and to individuals for their private deposits; she is a debtor for her notes in circulation, and to other banks for any balances due to them. When, therefore, she calls upon her debtors to return a part of the debt they owe her, these very persons may be her creditors by deposit, or may borrow from such as are, and may call upon the Bank to pay what she owes to them. Thus, if a person who is required by the bank to pay a note, has at the same time a deposit or credit in bank, the one may be made an offset against the other; and if the two are equal, it is manifest that the Bank has no more ability to pay its debt to others after this transaction than she had before. She has merely paid a debt that she owed an individual, by the extinguishment of a demand which the Bank had upon him. Sir, this effect is universally seen in the practical business of banking, that when a Bank calls in what is owing to her, a part of the demand is paid by drafts upon herself; and as her line of discounts goes down, so does her line of individual deposits.

It will be easy to show, sir, the effect of this circumstance upon the resources of the Bank while the reductions of August and September last were being made.

In August and September the Bank loans and purchases fell, according to the Secretary's letter, 4,066,147 dollars, as follows:

The amount of notes and bills	
in August was	\$61,167,349
And in October following	60,094,202
	<hr/>
But the private deposits in	\$4,066,147
August were	10,152,143
And in October they had fallen to	8,008,862
	<hr/>
Making a reduction by payment of these deposits equal to	2,143,281

And leaving the Bank the better in ability to pay the public only 1,922,866 the difference having been paid away to her own depositors or creditors. This result is familiar in the history of all banks. As a bank calls upon her debtors to pay, they call upon her in like manner; and she retains only the difference between her receipts and payments.

Sir, while the process of reduction was going on in August and September, 1833, the public deposits to be withdrawn in October were increasing against the Bank, having been in October the amount before stated

	\$9,868,435
While in August they stood at	7,599,931

Making an increase of 2,268,504 so that, regarding these elements alone, the increased ability of the Bank to meet the public deposits was not equal to the increased demand by reason of the deposits; and the process of reduction was of necessity to be continued. So very insufficient a method is it of ascertaining the effect of reductions either upon a bank or the community, to take the amount of reductions only.

But, sir, let me carry this examination a little further. The amount of reductions from 1st August, 1833, to 1st January, 1834, was as follows:

Notes and bills in August, 1833, were	\$64,160,149
Do. in January, 1834, they were	54,911,461

Making a diminution or reduction in five months, of	\$9,248,688
The individual deposits in August, being as before	\$10,152,143
They are in January, 1834	6,734,866

So that the Bank has paid those deposits to the extent of	3,417,277
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And her ability so far as the reductions gave it, was increased by the difference only	5,831,411
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But the public deposits in Oct. were as before	9,868,435
And in January they stand at	4,230,508

Showing a payment of the public deposits during this time of	5,637,927
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And leaving an increased ability to pay the residue, as compared with the 1st Aug., 1833, only to the extent of the difference of	\$193,484
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These statements, sir, show that, although reductions are necessary to meet the withdrawal of deposits, they do not produce an increase of ability to pay deposits in the direct ratio of their amount; and therefore that the amount alone is not a test of their having been carried to a sufficient extent. There is no doubt that the payments of debts to the Bank may have produced distress; but these payments have themselves been the effect of the removal of the deposits, and this effect has been infinitely aggravated by the stagnation of trade and the loss of confidence proceeding from the design of the removal, and from the manner of the removal.

Sir, the Treasury might have pursued a course that would have mitigated the evil, by diminishing the cause of alarm. Having the control of this demand, they might have made known to the Bank the times, proportions, and places of the intended transfers, and have thus given assurance to the Bank that its reductions to meet the emergency need not exceed the proposed demand. But the Treasury took a different course; and, if any thing could raise the embarrassment of the Bank, and the community also, to the highest degree, it was the course which the Treasury pursued.

Mr. Speaker, what was that course? Is any gentleman in this House ignorant of it? The honorable member from Tennessee [Mr. Polk] has read to the House a passage from a pamphlet, which he was pleased to call the manifesto of the Bank; I shall, therefore, regard that publication as authentic, and I will refer gen-

clerks to the correspondence between the cashier of the Bank and the Treasurer of the United States that is appended to it. They will there find what, by agreement with the Bank, had been the practice of the Treasury when there was no alarm in the community, when the Bank was admitted to be in a state of perfect security, and free from the apprehension of embarrassment. The Treasury practice was to send to the Bank a daily list, specifying every draft upon the Bank from the Treasury, showing the amount drawn for and the place of payment, but omitting the names of the persons to whom payable, to guard against fraud. Another list was sent weekly, with the dates, amounts, places of payment, and the names of the payees. These were intended not only to guard the Bank against fraud and surprise, but to enable the Bank to regulate the accommodations to its customers, as they were thus apprized of the points at which their funds would be wanted. Nothing surely could be more natural than to continue a practice like this, when the deposits were to be permanently removed. It could not be doubted by any one that such a proceeding must cause uneasiness in the public mind; and the very first precaution which prudence would have suggested to mitigate the alarm, was the continuance and increase of these safeguards of the Bank; certainly not that, at the very commencement of the alarm, they should be discontinued. But such was the fact. That they were discontinued, and that the Bank, misled and deceived, had to deal with the Treasury as with an enemy, is an event which belongs exclusively to the present day, and to the existence of personal feelings in the Department which directed the Treasurer, wholly unbecoming the official transactions of any Government.

Sir, if I meant to deal with my enemy as is befitting the spirit of honorable contest, I would give him equality of position, of instruction, of knowledge, and let the issue be the result of skill and the better cause; but if I meant to deprive him of all chance of defence or escape, to murder him basely, what better course could I pursue, than to blindfold him, or rather to throw false lights into his eyes, that he could only know the approach of the poinard by feeling it in his heart?

Sir, the former practice was made an instrument of imposition upon the Bank, by continuing to wear its usual appearances, while, in truth, drafts, to the extent of nearly three millions of dollars, were purposely withheld from the lists—drafts payable in unknown places, at unknown times, and to unknown parties. The lists themselves became instruments of deception, and gave false information to the Bank of the state of the Treasury demand, while rumors gave out the existence of the concealed drafts in precisely that way which was most likely to increase the deception. I call the attention of the House to that correspondence of which I have spoken. The Treasurer says that the drafts were of an *unusual kind*; that they depended on *certain contingencies*—contingencies still unknown to this House and nation. Was this a reason why the Bank should not have notice of them? Was it calculated to quiet the apprehensions of the Bank or of the community, that the presentation of these drafts, payable as it now appears at sight, was suspended upon *unknown contingencies*? Sir, every unprejudiced person who looks at this transaction, must agree that the course of the Treasury, in regards to drafts for nearly three millions of dollars, hovering between Philadelphia, New York, and Baltimore, without an intimation to the Bank of the time and place where they were to be presented, was of itself amply sufficient to justify even more alarm than the Bank felt, and the greater reductions than the Bank required.

There is one other fact to which I will advert before I close these preliminary remarks; it is of great use in explaining the influence of the removal in producing the present distress. The honorable member from Tennessee [Mr. Polk] expressed great surprise that

any difficulty should be apprehended from transferring deposits from one side of a street to another, inasmuch as the community would derive the same amount of accommodation from them in one place as in the other. Sir, the consequence did not follow. The same amount of accommodation was not derived, and it is for those who know the condition of the deposit banks to give the reason. This House does not know what their circumstances were. Their capital may have been employed in furnishing capital to Western banks, or in discounting upon their own stock; or the amount of their private deposits may have been lessened by the apprehension of remaining in company with a public depositor and preferred creditor. There is one decisive reason why the deposit State banks can never so efficiently further the accommodation of the trading community as the Bank of the United States, and that is, that the circulation of the one extends over the whole Union, and never enters one of her banks in its course, but it issues again to repeat the circle. But the circulation of a State bank is at her own door. It cannot leave it to any material extent. Contrivances to extend it are abortive. It does not answer the purpose of exchange, and its excess as currency instantly returns upon the bank for something that is better than her bank notes. The discount of the State banks, on the faith of the deposits placed in them, cannot have been equal to the reductions of the Bank of the United States to pay them. And in addition to this, there is an immense mass of private capital usually loaned out on the security of stock, at moderate interest, which, at a moment of danger and alarm, retires from the scene. The days of exorbitant interest are not the days of the capitalist, but of men who desire to make exorbitant profit upon small investments.

Still, sir, it is not easy to account for the height of the present distress by the mere change of the deposits, nor by the diminished use of them in State banks, when compared with their use in the Bank of the United States, from which they were taken. These circumstances had an effect, but they do not stand alone. There is an intense apprehension for the future connected with this operation—an apprehension which springs from the Treasury determination that nearly the whole of the existing circulation of exchanges is to cease; and cease it must, to a great extent, if the Bank of the United States is not to collect the public revenue.

The Bank of the United States, Mr. Speaker, has performed her great offices to this people by the concurrence of two peculiarities, which belong to her—her structure, and her employment in the collection of the public revenue. No State banks, by any combination, can effect the required exchanges to a considerable extent. No Bank of the United States, without the aid of the public revenue, can effect them to the extent which the necessities of trade require.

Sir, the structure of the Bank of the United States contributes to this operation in a way which every one may comprehend. The whole circulation of the United States is employed in effecting the exchange of the crops with the merchandise of the country. It is employed in transporting the crops to market, and merchandise to the places of its consumption. Now, sir, a National Bank, with branches spread over the whole Union, knows, from experience, and by her means of observation, where the amount of demand will fall and rise, and at what time these changes will occur. She knows, beforehand where she may with safety diminish her resources, and where she must enlarge them. Wherever her resources are placed for use, it is the same thing to the Bank. Her profit is the same every where; and this ability to give them the position which the trade of the country requires, is sustained by, and in a great degree dependent upon, her employment as the depository of the public revenue. In this character the Bank receives the revenue, and holds it until the time of disbursement; and the knowledge which her accomplished President

and the Board of Directors, obtain through their relations to the Treasury, and by intimate acquaintance with the fiscal operations of the Department; enables them to reconcile all the demands of the Treasury with the demands of trade, at the same time that they preserve the whole currency of the country in that due proportion to demand which makes it, and which alone makes it, sound and inviolable.

But now, sir, this revenue is to be collected *against* the Bank. She is to assist in *paying*, not in *receiving* it. Her situation is to be entirely reversed. The wants of the community are to become secondary to her own preservation; and, instead of placing her funds where trade will most require them, she must place them where, from the presence of rivals supported by the Government, she will require them herself for her own protection. Sir, this is to be the future operation of the measure taken by the Treasury Department. The theory of a National Bank with branches not collecting and disbursing the revenue, is an absurdity. It never was conceived of until the present day; and even now, though complaints are made against the Bank, as if her powers were not impaired, no one can seriously regard the measure of removal except as a measure of intended destruction. It is particularly a measure of intended destruction to all the usual operations of exchange. The Bank cannot perform them as she has done. If the State banks promise to perform them, it is all delusion. If they have contracted to perform them, they will break their contract; and if they do not, they will break themselves. If by possibility they could make themselves a Bank of the United States and its branches, which they cannot do, what would the country gain by such a contrivance but a Bank with the powers of the present bank subject to no restrictions or control by law, and dependent only on the pleasure of him who controls the deposits? Sir, the whole property of the country, in its transfer from place to place within it, is to undergo—has already undergone—a violent change. There is not a man who can now take the management of a crop in the South, or of a manufacture or importation in the North, who is able to foresee how he shall conduct it to its close; and the consequence is, that he will, if possible, have nothing to do with either. This derangement, actual and prospective, sir, enters materially into the present excitement and distress.

And does the honorable member from Tennessee propose, as a remedy for all this, to have an inquiry into the affairs of the Bank? Is it for difficulties of this description and magnitude that he demands a *sifting* inquiry, an inquiry into the *printing* accounts of the Bank? Is his great object to ascertain how \$7,000 of unvouchered payments have been distributed, and who is the owner of the National Intelligencer? Sir, I confess my profound astonishment that gentlemen, having the welfare of this great nation confided to them, will descend to inquiries like these, will run after petty accounts with printers and the concerns of the National Intelligencer, and, in the ardor of pursuit, forget the country that is intrusted to them. The time has come, or I greatly mistake the indications around us, when the country demands that our attention be given to objects of a higher nature.

I humbly hope, then, Mr. Speaker, that this House will inquire into nothing but the question before it, and from which we cannot escape—the evil which now threatens the country, and the proper remedy to be applied. An inquiry of this character is worthy of all attention, and of the devotion of all our faculties and efforts. In such an inquiry, no person will be more ready than myself to forget the Bank, if that shall be the course of patriotism and safety. Except as she ministers to the public good, I regard her as nothing, and less than nothing. The public good, in the preservation of the public faith, in the maintenance of the public currency and in the support of the constitution—this is an object which this House should never cease to regard,

and to which, in my further remarks, I shall endeavor to keep my own attention fixed, without yielding it to any other.

Mr. Speaker, the immediate question before the House is, whether the reasons assigned by the Secretary of the Treasury for removing the public deposits are such as ought to satisfy Congress and the country; and, if not, what is the remedy which it is the duty of Congress to apply?

The reasons assigned are remarkable, sir, in a particular which cannot have escaped the general observation. The letter of the Secretary consists of certain general propositions, by which he endeavors to sustain his authority, and of certain particular reasons or statements of fact, by which he endeavors to justify its exercise. The general propositions upon which all his particular reasons depend, he does not condescend to argue at all; and I have listened with all due attention to the gentleman who has preceded me, the honorable member from Tennessee, without being able to perceive that his course has in any respect differed from that of the Secretary. The Secretary asserts, sir, that, by the removal of the deposits, by and through his absolute and unconditional power, whether the act was in itself right or wrong, with or without cause, the Bank of the United States is put out of court, and the nation discharged from the contract, without any violation of faith. He further asserts, that while his own power was absolute, that of Congress over the same subject was gone, having been alienated to him; that the Legislature were, as to the treasure deposited in the Bank of the United States, in a condition of impotency and imbecility; that they had bound themselves hand and foot by the charter of the Bank; and that, while they had given unlimited authority over the subject to him, they had reserved no power whatever to themselves or to the people; and, consequently, that in no event, not even if the deposits were unsafe, or the ultimate law of all Governments—the safety of the people—should imperiously have demanded the removal of the deposits, was it in the power of Congress to touch them, without a violation of the public faith. He further asserts, that the rightful exercise of his power is not, even in point of responsibility to Congress, dependent on the safety of the deposits, or on the fidelity of the Bank in its conduct to the Government; but that it was his right and duty to remove them, if the removal tended in any degree to the interest and convenience of the public. He finally asserts, that as it was his right to remove the deposits, so it was his right, as a consequence, to select the places of new deposite; and he did so.

Sir, these are startling propositions. They involve grave consequences. They deserve careful consideration. They are far from being self-evident. It was worthy of the officer who asserted them, and who was bound to justify the assertion to Congress, to favor that body with at least an outline of the train of reasoning by which he came to these remarkable conclusions. But, sir, there is no such thing in the book. I have looked carefully through it, to borrow some light on this subject from the mind of the Secretary, by which I might enlighten my own; but, beyond the simple dogmas which I have stated, there is nothing to be found, except the causes of his particular determination, which were of no sort of importance whatever, nor worthy of the least consideration, if his general propositions are true. I am compelled, therefore, from necessity, to assert the contrary of all that the Secretary has asserted, and to take the burden of refuting what it would seem to have been rather his duty to establish. These are points, sir, to which I shall especially call the attention of the House, as involving principles of the highest public importance—principles which, if this House shall affirm them, they will affirm that all power over the Treasury is gone from Congress, and that there is but a single Department in the Government.

The first proposition is that with which the Secretary begins his letter. The Secretary says—

"It has been settled by repeated adjudications, that a charter granted by a State to a corporation like that of the Bank of the United States is a contract between the sovereignty which grants it and the stockholders. The same principle must apply to a charter granted by the United States; and, consequently, the act incorporating the Bank is to be regarded as a contract between the United States of the one part, and the stockholders of the other; and, by the *plain terms* of the contract, as contained in the section above quoted, the stockholders have agreed that the power reserved to the Secretary over the deposits shall not be restricted to any particular contingencies, but be *absolute and unconditional, as far as their interests are involved in the removal*. The order, therefore, of the Secretary of the Treasury, directing the public money to be deposited elsewhere, *can in no event* be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter."

That the House may have before them the section to which the Secretary refers, I beg their attention to it. It is the 16th section of the Bank Charter, which enacts:

"That the deposits of the money of the United States, in places in which the said Bank or branches thereof may be established, shall be made in said Bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; *in which case*, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, *the reasons of such order or direction*."

I beg the House to remark that this document proceeds from a gentleman of distinguished reputation as a jurist, trained to legal investigations, and fully acquainted with the legal effect and value of every word which he has used. The language he has adopted runs, "by the *plain terms* of the contract, as contained in the section above quoted, the stockholders have agreed," &c. Sir, if the Secretary had said that the contract gave him this power by *implicit* tion, or that he possessed it by the fair *interpretation* of the section, or by its *reason, spirit, scope, or intention*, my perplexity would have been less; but when he asserts that his authority is derived from the *terms* of the section, and from its *plain terms*, and that by those terms it is not restricted to any particular contingencies, but is absolute and unconditional, I feel some doubts whether there is that common medium of a common language between the honorable Secretary and myself which is so indispensable to profitable argument. If I rightly understand the proposition, it has no authority in the terms, nor in the reason, spirit, or intention of the section; and it is as revolting to good sense, in the strength of the language which the Secretary has used, as it is to the rules of law. It asserts that, in no event, right or wrong, not even in the extreme case of wilful injustice or fraud, (a case which I am far from supposing to have been in the view of the Secretary, though his language comprehends it,) could the Bank assert the least violation of faith by the Secretary's removal of the deposits. Sir, I submit to the House that the contrary propositions may be easily shown to be true, and therefore that the Secretary's proposition is not true.

The right of the Bank to the deposits is derived from contract; a valuable consideration having been paid for it, in a bonus to the Treasury, and in a stipulation for expensive services to be performed through the whole term of the charter. A right in the Secretary to remove those deposits, without good cause, during any part of the time, is not to be presumed, but the contrary; and it should not be conceded, until it is shown to be required by the clear and plain meaning of the whole section. The terms of the section, instead of giving to the Secretary an absolute and unconditional power to remove the

deposits, require that he shall have reasons for the removal, which reasons he shall immediately communicate to Congress. This is the condition upon which the Bank submits to the exercise of his power—that he shall have reasons, and communicate them; and such is the agreement of the parties. The whole section is agreement, as the whole charter is. It is all contract, from the beginning to the end. Now, if Congress have agreed with the Bank that the Secretary shall give his reasons for the act, and, consequently, that he shall have reasons, the difficulty, sir, is to understand how, according to approved rules of interpretation, these reasons can be considered as of no concern to the Bank, but only to Congress; how we can understand that it is of no sort of moment to the Bank whether there are reasons or not, when the Bank is to be affected by the removal, and Congress have agreed with the Bank that the reasons shall be given. Sir, in my judgment, the Secretary has directly inverted the object of the provision. The reasons concern the Bank only, and not Congress; or rather, they concern Congress only because they concern the Bank. The contract for the deposits with the Bank is a mockery under any other interpretation. Congress is above the reasons. Whether good or bad, she can do right and justice to herself, whatever the Secretary may argue. The Bank, on the other hand, is wholly dependent upon them, and has no other protection from injustice; and the stipulation for communicating the reasons to Congress is, therefore, for the plain and manifest object of giving to the Bank the benefit of a review by Congress, upon such principles as ought to govern such a contract.

Sir, the honorable member from Tennessee seems to me not to have been fortunate in his reference to the former head of the Treasury, Mr. Crawford, for his doctrine on any branch of this case. On this, in particular, the opinion of Mr. Crawford was directly against him, as well as against the present Secretary, and in favor of that interpretation which I suppose to be the true one. On the 25th May, 1824, the select committee on the memorial of Ninian Edwards, reported that, in certain instances, deposits of the public money were made by Mr. Secretary Crawford in certain State banks situated in places where the Bank of the United States had branches, and that he made no such communication of his reasons to Congress as the charter requires. "This omission," say the committee, "is acknowledged by the Secretary, who says it was owing to inadvertence; and that the inattention to the provision of the law was unimportant, inasmuch as the provision was intended *only for the benefit of the Bank*, and the Bank had full notice." (Reports of committees, 18th Congress, 1st session, document 128.) The doctrine of the present Secretary is, that the provision was not intended at all for the benefit of the Bank; but that, so far as regards the Bank, his power of removing the deposits is, by the plain terms of the section, absolute and unconditional.

The honorable member from Tennessee is not more fortunate in the suggestion of his own reasons for supposing the provision to regard Congress and not the Bank. I understand him to have said that the section required this communication from the Secretary, that Congress might know, 1st, where the deposits were made by the Secretary after their removal; and 2d, whether the Secretary was or was not liable to impeachment for the act. Now, sir, I think myself entitled to ask it as a concession from the honorable member, that a communication of the *fact* where the public money is placed, is not a communication of the *reasons* why it was removed from the Bank of the United States. That fact is precisely what the Secretary is not directed to communicate. His communication is, by the plain terms of the section, confined to the reasons for ordering and directing that the deposits should not be made in the Bank or the branches thereof. As to the object of impeachment, sir, it is as much in derogation of that prin-

ciple of our constitution, that no man shall be compelled to be a witness against himself, as it is of the character of the Legislature for plain and honest dealing with its officer, to impute to it the design of drawing the Secretary of the Treasury into a confession which may be read against him to the Senate. No, sir, this was not the design of Congress, nor can any course of decent reasoning sustain the enormous proposition of the Secretary, that his power is absolute and unconditional. It is a power which Congress did not, could not, give. An absolute and unconditional power, derived by implication from a contract, for valuable consideration, belongs to doctrines which a court of justice would spurn from its hall. It has no countenance in our institutions; it has none in our constitution, which was ordained to establish justice, as well as to secure the blessings of liberty; it has no countenance from any thing but the poverty of the case, which, finding a reason to be impossible, makes it unnecessary.

Sir, the interpretation of the section is, to my mind, abundantly clear. The Legislature did not see fit to part with the absolute right to the deposits, nor to make the right of the bank a *judicial* question by defining the exceptions to it. In consequence of the fiscal relations of the Secretary of the Treasury to the Bank, and of the probability that whenever the proper reasons should occur they would call for immediate action, the parties have agreed that he shall exercise a *provisional* power over the subject, under the stipulation that his reasons shall come immediately to Congress for their review, upon such principles as belong to the contract; and if, according to those principles, the reasons of the Secretary are insufficient for the act, then it will be an open breach of the public faith, not merely sanctioned, but committed by Congress, not to send the deposits back to the Bank, whose right to them is unimpaired. If, after the payment of a million and a half of money as a bonus, and the performance of costly duties to this period of the charter; and to be continued to the end of it, together equivalent to an annual payment of two hundred thousand dollars for twenty years, the Secretary has removed the public money without adequate cause, it is possible, indeed, that an artificial argument may be made to sustain the act; but reflection in this house, and by this people, will infallibly bring the question back to the ground upon which it must ultimately rest—the ground of common sense and common justice upon which alone the faith of the nation is to be defended, if it can be defended at all.

Mr. Speaker: The second general proposition of the Secretary affects this House as a competent part of the legislative power, and affects the whole legislative power in the most critical manner, as may be seen by the proposition itself. "The place of deposit could not be changed by a legislative act, without disregarding a pledge which the Legislature has given," "although Congress should be satisfied that the public money was not safe in the care of the Bank, or should be convinced that the interests of the people of the United States *imperiously* demanded the removal. These are the plain terms of the Secretary, and the House must see what is their plain meaning; that, whereas the Secretary could overthrow this contract, with or without reason, right or wrong, Congress could not be relieved from it by the most imperative reasons; that as his action could under no circumstances impair the contract, so the action of Congress upon it could, in no event, be otherwise than illegal.

Sir, there is one characteristic of these propositions, for which I acknowledge myself to be indebted to the Secretary; they are so strongly stated, that it is impossible to mistake their meaning. While the Secretary asserts every power over the subject in himself, he denies the existence of any power in Congress over the same subject. The use and design of the doctrine are, at the same time, as clear as its meaning; it is the only and indispensable justification of the Secretary's extreme

action upon the deposits so shortly before the present session of Congress; and, if this justification fails, he is without any.

The question, sir, concerns the interpretation of a statute. The extent of the Secretary's authority, and of the restriction upon that of Congress, must be collected, therefore, in the ordinary way, from the fair scope and meaning of its provisions, in their application to the subject-matter; and the House must consequently feel some surprise that the Secretary should have adopted the interpretation which he asserts, in a state of mind that ought to have carried him to the directly opposite conclusion. His letter proceeds to say. "The power over the place of deposit for the public money would seem properly to belong to the Legislative department of the Government, and it is *difficult to imagine* why the authority to withdraw it from this Bank was *confided exclusively to the Executive*." I must state it as an extraordinary fact, in the history of legal interpretation, that, when the learned Secretary admitted that he could not imagine why the meaning should be what he asserts it to be, it did not occur to him that this was one of the best reasons in the world for holding that its meaning is not what he asserts it to be. If a court of justice should be told by learned counsel that he could not imagine why the meaning he gave to a statute should be its meaning, he would probably be admonished to try the effect of his imagination upon a different construction, and it would be very likely to assist him in obtaining the true construction. The Secretary says he cannot imagine why the power was confided exclusively to the Executive. I hold, sir, with submission, that the power is not confided to the Executive, either exclusively or at all. The position is directly repugnant to his first proposition, that the power of the Secretary is *absolute and unconditional*, and it is equally repugnant to the laws and constitution, as they have created and fashioned the Executive department. The Secretary is not the agent or officer of that department in the performance of the trust committed to him by the 16th section of the charter, nor in the performance of any of the trusts committed to him by Congress, in regard to the control of the public treasure. In these particulars he is the agent and officer of that department which levies and collects taxes, duties, and imposts; raises and supports armies; provides and maintains a navy; makes appropriations, and keeps the public treasure under its own control, till, in virtue of a legal appropriation, it is drawn out of the Treasury. He is the agent and officer of Congress, and not of the Executive.

This sir, is a question of vast importance, not more in relation to the recent transaction, than to the due order of this Government, under all future administrations of it. It is not a point now raised for the first time, though possibly for the first time made a topic of controversy. The distinction is coeval with the constitution. It may be traced, in the clearest characters, through the first organization of the Executive department and of the Treasury, and, if it did not lead to public discussion then, it was because it challenged universal assent. It is impossible to explain the structure of these different departments or offices upon any other theory. I ask the attention of the House to the consideration of this point.

The act of 27th July, 1789, entitled "An act for establishing an *Executive* department, to be denominated the Department of Foreign Affairs," enacts that the Secretary for that department (now the Department of State) "*shall perform and execute such duties as shall from time to time, be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to correspondences, commissions or instructions, to and with public ministers or consuls from the United States, or to negotiations with public ministers from foreign States, or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting for-*

sign affairs as the President of the United States shall assign to the said department: and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order and direct."

The act of 7th August, 1789, entitled "An act to establish an Executive department, to be denominated the Department of War," enacts that the Secretary "shall perform and execute such duties as shall, from time to time, be enjoined on or entrusted to him by the President of the United States, agreeably to the constitution, relative to military commissions, or to the land or naval forces, ships or warlike stores of the United States, or to such other matters respecting military or naval affairs as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto for military services rendered to the United States, or relative to Indian affairs: and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order or instruct."

The act of 30th April, 1798, entitled "An act to establish an Executive department, to be denominated the Department of the Navy," enacts that it shall be the duty of the Secretary "to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States."

The provisions of these acts require no commentary. They place the departments wholly under the direction of the President, agreeably to the constitution, in all that regards the exercise of his constitutional powers over foreign affairs, the army, and the navy.

The act of the 2d September, 1789, for the establishment of the Treasury Department, pursues a strikingly different course. It drops from the title the denomination of *Executive* given to the other departments—not by accident, but by design, as the word "Executive" was contained in the title of the bill when reported by committee, (see Journal 1st and 2d Cong. vol. 1, p. 57,) and, what is more material, it enacts that it shall be the duty of the Secretary "to digest and prepare plans for the management and improvement of the revenue, and for the support of the public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the public revenue; to decide on the forms of keeping and stating accounts and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for monies to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform." The name of the President is not mentioned in the act, except in the 7th section, which charges the assistant with the duties of the office, in case the Secretary is removed by the President; and the bond of the Treasurer, prescribed by the 4th section, is not to be approved by the President, but by the Secretary of the Treasury and Comptroller.

It is not meant to say, sir, that the Secretary of the Treasury performs or is bound to perform, no duties of an Executive department, or that, in the performance of any such duties, he is not subject to direction by the President; but it is meant to say that the Treasury department is not, in its control of the Treasury, an

Executive department, in the constitutional sense; and that the direction which is to govern the Secretary, is left, by the terms of the act, to be settled according to the character of the function to be exercised. The Secretary is not the head of an Executive department, in the performance of acts which concern the custody and security of the public monies in the Treasury. His department is not, in this respect, a Presidential department. To have placed the custody of the public Treasury within the Executive department, would have been a constitutional incongruity, a solecism, to say nothing of the enormous mischiefs to result from placing the power of the sword and the purse in the same hand. It would have marred the harmony and simplicity of the whole scheme of the constitution, by leaving to Congress the duty of paying the debts and providing for the common defence and welfare, while the money collected for these objects was not under their control, but in the hands of a different department. It would make, and the adoption of the doctrine does make, the power of appropriation entirely futile, because the public money is, by force of it, as little under the control of Congress before appropriation as it is afterwards; and it gives the control of the public treasure, so far as the position and distribution of it can give such a control, to a department that can wield the whole force of the revenue, against the Legislative department and the people.

The argument of the honorable gentleman from Tennessee here cuts into the subject by means of the power of removal from office; and, with the aid of the debates in Congress, when the act for organizing the Department of Foreign Affairs was on its pass, he contends that the President may direct the Secretary of the Treasury in the discharge of his duties of every description, because he may remove him. Sir, I do not adopt his conclusion. It does not flow from his premises, and a better conclusion flows from better premises.

The power of removal is a great question, which I do not mean at present to agitate. It has been allowed, by implication and usage, to the President of the United States, for different reasons; and the argument handed down to us on this head is perhaps not altogether as clear, consistent, and intelligible as the great names connected with it would lead us to expect. It is probably imperfect. It is, however, plain, from what remains of it, that the gentlemen who asserted this power did not all do so for the same reasons. It would seem to have been the opinion of some, that the power of removal was an Executive power, or a power of the Executive department. Others, who did not agree to this, thought it belonged to the appointing power, which was substantially in the President. And some who differed from both, deemed the most convenient and safest position of the power to be in the President, who, by its immediate exercise, might resist the aggressions of dishonesty, or prevent the mischiefs of incompetency. No one, sir, appears to have thought that the power belonged to the President, because he had a right to direct all officers appointed during pleasure; although it is clear, from the argument of Mr. Madison, that the force of that principle was very striking in its influence upon the question then directly before Congress—the right to remove the Secretary for Foreign Affairs. That eminent person said, "It is evidently the intention of the constitution that the First Magistrate should be responsible for the Executive department. So far, therefore, as we do not make the officers who are to aid him in the duties of the said department responsible to him, he is not responsible to his country." This, sir, is very striking, but it goes no farther than the duties and responsibilities of an Executive department, in its constitutional sense. If the honorable gentleman can make it out that the keeping and control of the public Treasury are duties of an Executive department in that sense, he will gain a better support for his argument than I have yet heard.

The principle which, it seems to me, sir, must govern this question, and that which I take the liberty of stating to the House, as the only satisfactory one that has occurred to me, is this—that the *right of direction*, where it exists at all, results from official connexion, subordination, and responsibility, and not from tenure of office. If the duty belongs to the Executive department, the right of direction is in the head of that department, who is responsible for the performance of all its duties. If it belongs to the Judicial department, the right is in the heads of that department—the courts. If it belongs to the Legislative department, the right of direction is in Congress. The direction in these several cases, by force of this principle, is in perfect harmony with the system. It proceeds from official responsibility in the principal, and official duty in the subordinate officer to follow what the principal directs. The officer is bound to obey the principal, because the principal is responsible for him in the very matter directed, and his direction is a justification to the officer who obeys him. Any other principle must produce perpetual conflict and confusion. The attempt to make a test of the removing power, fails as soon as you apply it. The marshals are, as to matters of judicial cognizance, directed by the courts, to whom they are responsible, and for the proper direction of whom the courts are responsible; yet the courts do not appoint, and cannot remove, the marshals.

Sir, the question cannot well arise as to acts plainly prescribed. No one can assert an authority in the President to direct an act to be done, which the laws, or the courts, in conformity with the laws, direct not to be done; nor the contrary. It arises only in regard to discretionary acts. But the same principle regulates duties of every description, and especially duties which are committed by the law to the discretion of an officer. For abuse of that discretion, if answerable to any thing but the law, he is answerable to the head of that department to which the particular duty appertains, and by that department he may be directed. The marshal is, in judicial matters, answerable to the Court; in legislative matters, to Congress; and in executive matters, to the President. The Secretary of the Treasury, as it regards the Treasury, is answerable to Congress. To give the President the right of directing or controlling his discretion in such matters, is to make the Secretary responsible to the President, who is not responsible for him. This, sir, is the position upon which the doctrine I maintain may be safely placed. The President is not responsible for the duties which do not appertain to his department. His direction is no justification to the officer to whom the law assigns the duty to be performed, or to whom it has given the discretion to perform the act or not; he is, therefore, not bound to obey him, nor excusable for obeying him. Any other principle will give to the President the right of directing and controlling the discretion of every officer in the land except the Judges.

The answers given to these suggestions, sir, are not satisfactory. It is said, the President has the undoubted right to remove, and may, in this way, obtain the direction. Certainly the President may thus obtain the direction of men who prefer their office to their duty; but if he removes, to obtain a *power* of direction where he has not the *right*, he violates his own duty. The power of removal ought not to be so exercised.

It is further said, that all powers are legislative, judicial, or executive. The Secretary's power is neither legislative nor judicial, and therefore it must be executive, and belong to the Executive department. This is a confusion of language. The departments of our Government are legislative, judicial, and executive; and what does not belong to the first two, belongs to the third. But there are executive acts, that is to say, acts to be executed in the Judicial and Legislative departments, as well as in the Executive department. An act to be executed in the Judicial department does not belong to the Executive department. The question of

the right of direction regards not merely the act to be done, but the relation in which it is to be done.

It is again said, that the constitutional power of the President to demand the opinion, in writing, of the officers of the Executive departments, touching the duties of their respective offices, shows the dependency of these officers upon the President, and his responsibility for them. This may or may not be so; but it leaves the question, what is an Executive department, in this sense, precisely where it found it.

Again: It is said that the President is bound to take care that the laws are faithfully executed. This proves too much for the argument, as, if it proves any thing, it proves that the President may direct the judges as well as other officers during pleasure. The supervisory power cannot interfere with the exercise of discretion in the Secretary, when the law gives it to him, because the faithful execution of the law consists in the exercise of his discretion; and whoever disturbs that exercise, violates the law instead of executing it. It is a power that does not enlarge the President's authority, but rather declares the result of other powers before given to him in the constitution. It is corrective, to put aside, where his power is adequate, both dishonesty and incompetency; but it is not directory nor transcendental, to bring all the officers and operations of the nation under his sway.

Finally, it is said that the power of removal is fairly applied to discharge an officer who does not do his duty; and how can this be, if the President cannot decide what is his duty, and, consequently, direct its performance? Sir, the President is responsible for the use and abuse of his power. If he exercises it fairly, to remove an officer who does not do his duty, it is well. But if the discharge is colorably for this, but really to enforce a direction which he had no right to give, he gains the power he ought not to have, by the abuse of the power he has.

These are the remarks, sir, which I have supposed would show the inaccuracy of the Secretary, in that part of his letter which attributes a power over the deposits to the Executive, or to the Secretary as an Executive officer. In this matter of the deposits, he is emphatically the minister or agent of Congress. He is to give reasons to Congress, and they are consequently to be his own reasons. The reasons of the President are not given, and would not be a justification to the Secretary, if they were. The Secretary is to give them to Congress, his principal, and not to the head of the Executive department, to whom, in this matter, he does not sustain an official relation. It is a charter authority, and to be pursued as the charter directs. Under this charter, the President has several powers, such as to appoint commissioners to receive subscriptions, to appoint directors, and to issue a writ of *scire facias*. The Secretary, also, has powers, as to require transfers of public money, and to remove the deposits, giving his reasons. It is humbly apprehended, that these are different powers in relation as well as in action, and that the President cannot assume those which have not a relation to the department of which he is the head.

But how would it follow, sir, if this were otherwise, that Congress cannot remove the deposits in any event, as the Secretary avers? It would seem as if the grant to the Executive was set up as a less startling reason for denying the power to Congress, than a grant to the Secretary would be; but the power is inherent in Congress. It is one of which they could not divest themselves absolutely and unconditionally. They hold it now, as they always must hold it, subject only to the right of the Bank; that is to say, except so far as the charter gives the right of possession to the Bank. This right of the Bank grows out of her covenant to afford safety and to render service. The continuance of her right depends upon the performance of her duty. The covenant of the nation, to leave the deposits with the Bank, and of the Bank to keep them secure, and to perform other duties in regard to them, are mutual and de-

pendent covenants. If the Bank commits a breach, the covenant of the nation is either discharged or suspended, and Congress may take care of that which is the property of the nation; and if the acts imputed to the Bank were a sufficient cause of removal, Congress were as competent to decide them to be so, at the present session, as the Secretary was before. The technical doctrine of the Secretary is inconsistent with the spirit of the charter, and with the safety of the nation. It strips Congress of all power, and lodges it where there is no responsibility either to the Bank or to Congress. It asserts, that Congress could not reclaim the control of the deposits, under any circumstances, from either the Bank, or its own minister. It leads to this extraordinary consequence, that if the Bank could have propitiated the Secretary to connive at the most corrupt employment of the public treasure, there would have been no remedy for it. If "offence's gilded hand" could have shamed by the Secretary, we should have seen "the wicked prize itself buy out the law." The proposition is wholly inadmissible in every possible interpretation of it.

Another proposition, sir, and the most alarming, from the great practical mischiefs which must flow from it, comes from the Secretary in the following terms: "That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the Bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposits, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change." In another part of his letter, the Secretary of the Treasury says that it is his duty to remove the deposits "whenever the change would in *any degree* promote the public interest." And again he says: "The safety of the deposits, the ability of the Bank to meet its engagements, its fidelity in the performance of its obligations, are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people must regulate his conduct."

The application of this doctrine to the present power of the Secretary over the deposits in the State banks may be seen from another part of the letter. The Secretary says: "The law incorporating the Bank has reserved to him, in its fullest extent, the power he before possessed. *It does not confer on him a new power, but reserves to him his former authority, without any new limitation.*" Consequently, it is the Secretary's apprehension that he now has the same power over the deposits in the State banks, which he claims to have had over the deposits in the Bank of the United States; and it is this which makes the subject worthy of the special attention of the House.

Sir, it is an abuse of language to call the charter direction as to the deposits, a contract, if this be the Secretary's power. It has none of the features or binding force of a contract. It is wholly dependent on his mere favor, pleasure, opinion; upon any thing short of, and indeed not short of, the most fantastic caprice. The Bank has no contract with the nation under this construction; and, sir, when I regard the necessary effects of the asserted power upon the nation at large, the interests of the Bank disappear; she ceases to be an object of the least consideration. What are convenience and interests? Where are they defined? What acts promote them? What is *any degree* of them? What law has made the Secretary of the Treasury a judge of them? This nation and this House are variously divided in regard to almost all the topics of general convenience and interest that are discussed before them; and here is a challenge of the right, by a single officer of the Government, to direct the momentum of the whole revenue of the United States to the support of what he thinks fit to regard as the general interests and convenience of the people; and he challenges it as the power with which his office has been clothed since its creation. A

more extravagant position has never, in my humble judgment, been asserted; and it is as unsound in reference to the subject to which it is applied by the Secretary, as it is dangerous to the liberty and welfare of the country. The question of general convenience and interest, in regard to the public deposits, was settled by Congress when they agreed that the Bank should have them; and it was settled for the whole term of the charter. The Secretary has nothing to do with it. The power of removal was given to him to be exercised for the promotion of a particular interest, or the remedy of a particular mischief, and for nothing else. General convenience and interest are results with which Congress have never trusted him, or meant to trust him, or any body but themselves.

The authority given by the charter to the Secretary of the Treasury is official, and not personal; and, by necessary implication, it is limited by the sphere of his office. His powers and duties are fiscal, and the functions of his office are the index to the reasons for which, and for which alone, he has authority to remove the deposits. His reasons must grow out of his relations to the Bank, to the treasure in its custody, and to the collection and disposition of that treasure, which the law confides to him. If the deposits are not safe, his official connexion with the Bank will apprise him of it: he has the means of ascertaining it by the returns made to him, and by examination of the general accounts of the Bank, if he is not satisfied with the returns. If the Bank does not perform its duties to the Government, of paying and transferring the public funds, the Secretary knows it, because he is the officer to direct the service, and to watch over the performance. And, beyond this, what official authority has the Secretary? What official duties does he perform that can instruct him with reasons for the removal of the public deposits? Sir, he must leave his office before he can obtain them, and enter into departments which do not belong to him: he must take charge of interests that have not been confided to his office. I have stated to the House why these reasons have not been explicitly defined in the act, and that it was to continue a control over the Treasury, which Congress thought might be impaired if the conditions of its exercise were more explicitly stated. In the eye of a court, there is discretion, regulated by an appeal to Congress. In the contemplation of Congress, there is limited power, regulated by the duties of the Treasury Department, in its relations to the Bank. Sir, it is a stain upon the Congress that incorporated the Bank—it is a stain upon the first Congress that organized the Treasury Department—to say that they placed in the power of unknown men for an indefinite period, and for a period of twenty years without the right of recall, the whole revenue of the United States, to be used as the Secretary should think the general convenience and interest of the public required. Is it so, sir? And will this House affirm this proposition of the Secretary? Let the nation look to it. If it should be the Secretary's opinion that it is for the general convenience and interest of the people that manufactures should decline and die away, he brings a death upon the land—he draws the public treasure to another quarter—and they perish. If internal improvements are not to his mind—if Pennsylvania wants a loan, if New Jersey requires funds, to assist them—if there is any proposed road interest which would be promoted by their decline—his mandate to the State banks, in promotion of general convenience and interest, consummates the design. The currency is his, to regulate at his pleasure, and every thing dependent on it. Sir, if this theory of the Secretary be true, it was the duty of the Bank of the United States, it is the duty of the deposit banks, to submit to his pleasure. If his power is constitutionally and legally what he asserts it to be, it is the duty of the banks to become his slaves. If all this power over the Treasury is his lawful power—if he is the arbiter of general convenience

and interest—if the Executive is the only head to direct and control him—it is a theory of universal subservience to the Executive, for the profits that are to spring from the application of the public treasure. It never occurred to me, sir, that men, treading the soil of a republic, would present such a doctrine for the review and sanction of Congress.

It has been said, that both Secretary Crawford and Secretary Ingham have asserted a similar doctrine. Sir, without meaning the least disrespect to those officers, I may be permitted to say, that arguments in favor of power are not entitled to most consideration when they come from those who are to exercise it. A Treasury argument, in favor of the Treasury power, is not quite as much to be relied on, as an argument for the same power even from some other department. But, sir, the authority is not exactly as it is apprehended to be. In regard to Mr. Secretary Ingham, there seems to have occurred one or two animated passages between himself and the President of the Bank, in the course of which a menace was let off, as to the use of the public deposits, for a certain purpose, or in a certain event; but nothing to the effect threatened occurred. Mr. Secretary Crawford did act, but I do not admit that his action sustains the present Secretary; or, if it does to a small extent, its effect is taken off by the opinion of a committee of this House, of whose report a part was read the other day by the honorable member from Tennessee. The Secretary of the Treasury was invested, by the joint resolution of 30th April, 1816, with the largest powers, to cause the taxes and other monies accruing, or becoming payable to the United States, to be collected and paid in the legal currency of the United States. He was required and directed to adopt such measures *as he might deem necessary*; and there can be no doubt that such an authority gave that officer a power, which, since the entire and effectual restoration of specie payments, has ceased to exist. The history of the disposition of the public monies by Mr. Secretary Crawford, who came into office in the fall of that year, is given in the report of the committee upon the memorial or address of Ninian Edwards, made to this House in May, 1824. There appear to have been in the year 1818, and afterwards, two descriptions of acts by Mr. Crawford affecting the public deposits. One of them consisted in using certain State banks to the West as depositories of the public money, for the sake of the revenue itself, and because the bank of the United States would not receive on deposit, as cash, any thing but the legal currency of the country or its own notes, in which the large receipts of the United States could not at that time be collected. There consequently were cases in which the deposits could not be made in the Bank of the United States, because the Bank would not receive them in that form alone in which the Treasury could make them. It was not, as I apprehend, a case of omission to deposit the public monies in the Bank of the United States, but an omission to deposit in that Bank monies which the Bank would not receive, and was not bound to receive as monies at all, because, although nominally they were the notes of specie-paying banks, substantially they were not such notes as the Bank thought it could convert into specie. This was not a case of exercise of power under the 16th section, but a case of necessity, arising from the lawful refusal of the Bank to receive the deposits in the only form in which the Treasury could make them. The other acts referred to were of a different kind, and they consisted of such dispositions of the public money as Mr. Crawford, in his letter of 13th February, 1817, cited by the present Secretary of the Treasury, says he has authority to make: that is to say, deposits made with State banks, to sustain their credit. Upon this point, the committee explicitly say that "*this is no legal employment of public funds; it is nothing but a gratuitous loan*," which, certainly, the Secretary was not authorized to make, whatever was the practice. It was precisely of the same

character as the transfer drafts, which appear to have been placed, by direction of the present Secretary, in different hands, during the removal of the public deposits from the Bank of the United States, and which are liable to precisely the same criticism. The authority of Mr. Secretary Crawford, therefore does not seem competent for the purpose for which it has been cited.

(To be continued.)

PORTAGE RAIL ROAD.

Extract of a letter to the editors of the Chronicle, dated

HOLLIDAYSBURG, February 20, 1834.

Dear Sirs—Yesterday the first rope was laid upon the Portage Rail way at inclined Plane, No. 10, near this place. The stationary steam engine was also put in operation, and the whole set regularly to work. The plane is 2,300 feet long, rising $4^{\circ} 42'$ or $8\frac{1}{2}$ feet in 100. The whole of the distance was overcome by a heavily laden car in about 3 minutes. The working of the ropes and machinery gave great satisfaction, not only to the officers on the road, but to a large number of spectators who had assembled to witness the first efforts of steam power upon the rugged Allegheny.

Should the weather prove favorable, the rail way may be ready for transportation about the 20th March. The important work of all the engines is completed, and the ropes may be said to be upon the ground.

January 2d, 1834.

VACCINE.—The Vaccine Physicians of the city of Philadelphia have reported the following number of cases, successfully vaccinated by them during 1833.

	Cases.
Dr. James McClintock, North East District,	289
Dr. George Spackman, North West do	460
Dr. Justus Dunott, South East do	370
Dr. Jeremiah McCredy, South West do	403
	1522

February 15.

DEER.—On Thursday last, a deer that was driven from the hills by a pack of dogs, came down through the upper part of the village, and attempted to cross the river on the ice above the dam. The ice being recently much weakened in the middle of the stream, the deer broke through and was unable to find a place of escape till surrounded by a crowd of our citizens, who kindly seized the poor animal by the ears and legs, drew it from the water and secured it in a yard.—*Mauch Chunk Courier.*

THE UNITED STATES BANK.

BANK OF THE UNITED STATES,
March 5, 1834.

At a meeting of the Board of Directors held this day, Mr. Eyre from the committee on the Offices, presented the following report which was read.

REPORT.

The committee on the Offices having now ascertained by an experience of several months, the progress in the reductions in the business of the Bank, ordered by the Board on the 8th of October last, avail themselves of the monthly returns from the Bank and all its offices, made up for the month of March, to present a statement of those reductions.

The design of the Board in directing them, was to protect the institution, and to provide the means of paying the Deposits of the Government, so as to press with as little injury as possible on the community. How far that purpose has been accomplished, will be seen from the following statement of the amount of loans, de-

When the extent of the fire was known, in the boat, Captain Jeffries ordered her to be run side ways on to, or along side the shore, which would allow all the passengers to jump out, while the smoke was blowing over the side—but some passengers compelled the helmsman to run bows on, by which means the passengers in the stern were endangered. Nothing could exceed the anxiety of the persons connected with the line, to render every possible assistance to those in danger. Mr. Davidson, the agent enquired of the first person he met, whether any lives were lost. He was told, that "all were safe." Then said Mr. Davidson, all's well—we care nothing about the boat. The fatal effects were subsequently learned.

Dr. Joseph Parrish and Dr. West, of Front street were active in directing and aiding in the attempts of citizens to recover the drowned persons.

A very intelligent lad, named William Henry Pemberton Hudson, was found in the crowd last evening, having been rescued from the steam boat Wm. Penn. He says his father's name is Henry Hudson, and he lives in Delaware. The boy is with the Rev. Mr. Clay, pastor of the Swede's Church.—*U. S. Gazette.*

The above is from the U. S. Gazette of this morning. We have conversed with several gentlemen who were on board the boat at the time of the disaster. They state that the fire broke out in or very near the wheel-house, on the windward side of the boat, and that in five or six minutes after it was discovered, the whole wheel-house and the adjoining offices were enveloped in a sheet of flame. Attempts were made in the commencement, to extinguish the fire by throwing water on it, but the confusion and alarm among so many passengers, rendered it impossible to form a line by which to pass the buckets to the spot. The fire must have been some time burning before it was discovered, or it never could have obtained such fatal headway. As soon as it was thought impossible to save the boat, the passengers calling out some to run her ashore, with various contradictory demands of the kind, Captain Jeffries directed her to be run in the mud. When this was done the flames originating to windward, swept with fearful violence from one side of the boat to the other, rendering it almost impossible for those in the stern to advance forward. The stern lying in deep water, several of those who jumped overboard must have perished. When the bow of the boat touched the ground, two gentlemen jumped out on the flat, where the water was three or four feet deep, a rope was immediately thrown to them, with which they held the boat, until the crowd letting themselves down by it, compelled them to let go, and the boat drifted off into deep water, occasioning a delay which was no doubt fatal to some. In a few moments, however, the rope was manned by a dozen who had jumped out, and the boat drawn up again, when it was finally abandoned.

Much baggage was lost, and the boat is totally destroyed. We understand she was valued at \$70,000. The mails were thrown overboard, and by a circular from our post office we learn that the Baltimore letter mail is missing, with some bags. Two clerks were despatched at an early hour this morning, to search the flats where the disaster occurred. The packages for the eastward, in the mails not lost, were in a very wet condition, and were put up in fresh wrappers, after being partially dried.

In addition to the above, we learn that Mr. Walter W. Berkeley, of Hartford, Conn. died this morning, at 11 o'clock, from the effects of cold and exposure. It will be consolatory to his friends to know that he was attended by Drs. Ashmead and Rush, with unremitting assiduity, and that no human means were left untried to save his life.

The body of the female at Cherry Hill, has not yet been recognized. A ring upon her finger has the following words "Let love abide forever J. B."—*Phila. Gazette.*

Few additional particulars have transpired in relation to the melancholy disaster of Tuesday. It is now ascertained that at least five lives were lost—the Rev. John Mitchelmore, Col. Porter, and the unknown female, mentioned in our paper of yesterday—a child, killed by one of the paddle wheels of the boat, and Mr. W. W. Buckley, a respectable merchant of Connecticut, who was taken up much exhausted, and notwithstanding every attention was rendered him, died at the Union Hotel, near the steam boat wharf, yesterday morning. The gentleman whose leg was broken, and who was taken to the Hospital, is doing well. The dead body of the female, now at Cherry Hill, has not yet been recognized. A ring upon her finger contains the following: "Let love abide forever J. B." The body of the Rev. Mr. Mitchelmore is now at the residence of the Rev. Dr. Ely, where it will remain till Saturday. The report that two engineers perished is erroneous.

We learn that the spot where she was run ashore is about half way between the Navy Yard and the Point House—that the passengers were compelled to wade in the mud and water a distance of at least two hundred yards—and that the greatest marvel is, that so many of them were enabled to reach the banks with life in them. We presume that an authentic account of the disaster will immediately be submitted to the public by Capt. Jeffries, confirmed by the affidavits of some of the passengers. Great anxiety is felt and expressed to have a detailed account of this terrible accident, and Captain J. owes it as well to himself as to the friends of the deceased, and the public, to submit such a statement to the community with all due diligence. All the passengers with whom we have conversed, award the highest praise to the captain and crew for their coolness, courage and indefatigable exertions, not only to rescue the lives, but to save the baggage of the passengers. There were about a dozen females and several children on board; also, three horses. Capt. J. was the last to leave the burning vessel.

We learn that Messrs. Taber and Potter, the gentlemen despatched by the post master in search of the missing mails, returned to the post office yesterday afternoon, with the chains and locks of the portmanteaus, the letters, packages, &c. having been destroyed on board the Wm. Penn, by the fire. The mails thus lost, no doubt, contained large sums of money, as this is the season of the year at which the southern merchants make large remittances to the north. The post master is still engaged in the investigation, and will in the course of the day be able to designate the exact mails that have not been recovered. The Baltimore letter bag, and that containing a portion of the letters from the west, are certainly destroyed.—*Inquirer.*

INSTALLATION.—The Rev. Cornelius C. Cuyler, D. D., was installed Pastor of the Second Presbyterian Church in this city, on Tuesday evening, 14th Jan. by the Second Presbytery of Philadelphia. The Rev. Dr. Neill offered the introductory prayer, the Rev. Robert Steel preached the sermon, from 1 Cor. i. 1.—*Stewards of the mysteries of God.* The Rev. Dr. John McDowell presided, and proposed the constitutional questions to the pastor elect and to the people. The Rev. Dr. Green, by special invitation charged the Pastor in an appropriate and affectionate address. The allusion to his own long and happy connection with that congregation, and his great solicitude in their behalf, was impressive and affecting. The Rev. Dr. John McDowell delivered a suitable and judicious charge to the people.—*Presbyterian.*

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PENNSYLVANIA AND OHIO CANAL.

Report of the Board of Canal Commissioners, in relation to the Pennsylvania and Ohio Canal.

To the Honorable Senate of Ohio.

In obedience to the resolution of the Senate, of the 5th of February instant, requesting the Board of Canal Commissioners to report to the Senate their opinion on several points relative to the proposed connection of the Pennsylvania Canal with the Ohio Canal, the Board have the honor to submit the following report:

In relation to the first point, to wit: "The expediency of connecting, by a navigable canal, the canals of Pennsylvania and Ohio, under the direction and at the expense of the state," the Board feel no hesitation in saying that they have entire confidence in the utility of the proposed work, both to our own citizens and to those of Pennsylvania. Such a work will at once open a navigable communication of the most perfect and useful character between the interior of our own state, and the great manufacturing city of Pittsburgh, which has been emphatically and justly styled "the Birmingham of America." Through this channel a large portion of our surplus provisions and raw materials may be cheaply sent to a good market, and through the same channel a great variety of manufactured articles of primary necessity and extensive utility, may be safely and cheaply brought in return. Such a channel of commerce cannot fail to be highly advantageous to all parties concerned.

The proposed work will also remove the only remaining obstruction which exists in the way of a direct commercial intercourse between the interior of Ohio, and the great commercial marts of Philadelphia and Baltimore. A free access to these cities will open to our citizens a choice of markets, and create a competition between those cities and New York, for supplying the western country with goods; which must necessarily operate to the advantage of the western people.

It will also open a direct channel of commerce between Lake Erie and the other upper Lakes, on the one hand, and Pittsburg, and by means of the Pennsylvania canals, with the ports of the Delaware and Chesapeake on the other. We need not here give a detailed view of the advantages resulting to the immense region of country bordering on these Lakes, from a choice of markets, as well as from thus being enabled to avoid the delay in reaching the seaboard through the N. York Canal, occasioned by the long continuance of the ice, in the eastern end of Lake Erie, in the spring. No person acquainted with the interests of the Lake country, and with the geographical facts connected with the subject, can fail to appreciate their importance.

Nor is the country adjacent to the Ohio river and its navigable branches, below Portsmouth, less interested in the contemplated work than the Lake country. A large portion of the goods procured for the supply of the western country, are now purchased in the cities of Philadelphia and Baltimore; and this will long continue to be the case, at least to some extent. Most of these goods are brought to Pittsburg or Wheeling, and sent from thence down the river by water. When the Ohio river above Portsmouth, is too low to permit the navi-

gation of steam boats of a medium size, the transportation of goods down the river, is attended with much expense and great liability to loss or damage of the goods.

Should the proposed improvement be made, these evils would in a great degree be avoided. A safe and convenient canal navigation would thus be formed from Pittsburg to Portsmouth, not liable to be interrupted for any considerable time, except by ice in winter. And below Portsmouth a small class of boats can at all times ply with safety.

The Board entertain the confident belief that, should the proposed communication be effected, a large proportion of the foreign goods, and of the heavy articles manufactured at Pittsburg, which now descend the Ohio, would, in that event, pass through our canal, from the junction of the proposed Pennsylvania and Ohio Canal to Portsmouth, particularly when the Ohio river is low. And no doubt can exist in relation to the establishment of an active commerce between the whole country near the Ohio Canal and Pittsburg. These new branches of commercial intercourse and transportation cannot fail to add greatly to the revenue, as well as to the usefulness of the Ohio Canal.

The Board have ever entertained and expressed the opinion, that the control of all great works, in the execution and management of which a large proportion of our citizens are interested, should be under the control of the State, and not of individuals or incorporated companies. The reason is obvious. The Legislature, or authorized agent of the State, may always be expected to consult the public welfare, in the most extended sense of the term. A company can only be expected to consult its own pecuniary interests, which will frequently clash with the most important commercial and agricultural interests of the community, and thus render the improvement much less useful than it would be if under the control of the State.

In relation to the second branch of inquiry contained in the resolution, to wit: "The most practicable route, and probable expense of accomplishing the object," the Board feel no hesitation in giving it as their decided opinion that the "Mahoning route," so called, is the only one of the routes to which public attention has been directed, on which a canal can be made by the expenditure of any sum which the object in view can possibly justify, where an adequate supply of water can at all seasons of the year be commanded. There is no doubt of the entire practicability of this route. The character of the ground which it occupies is at least as favorable, as the average character of that occupied by the Canals now completed in this State; and the supply of water, both for the summit and the lower levels, is abundant.

In regard to the expense of the proposed work, the Board ask leave, respectfully, to refer the Senate to the estimates made and submitted to the General Assembly in the report of the Board of January 17th, 1828, which will be found in the volume of Canal Documents, page 302. The prices affixed to the different items of work, in these estimates, are believed to be liberal; and, so far as our experience enables us to judge, they will be found sufficient to cover the cost of the work. It will be seen that the aggregate cost of

so much of the proposed Canal as lies within the State of Ohio, is there estimated at \$764,372 98.

In the remarks made in answer to the first branch of inquiry contained in the resolution, the opinion of the Board is expressed as to the influence of the proposed improvement on the present public works and the finances of the State. The Board entertain no doubt that the influence of the proposed canal, when completed, will add greatly to the business on the Ohio Canal, and consequently to the revenue arising from tolls collected thereon; and, at the same time, that the tolls collected on the proposed canal itself will be equal to the interest on its cost, as soon as commercial business shall have adapted itself to the new facilities which this work will undoubtedly offer. Respectfully submitted,

By order of the Board,

(Signed)

JOHN JOHNSTON.

Canal Commissioners' Office,
Columbus, 10th Feb. 1834.

DOCUMENTS RELATING TO THE REMOVAL OF THE DEPOSITS.

Speech of Mr. Binney.

(Concluded from page 158.)

The fourth and last general proposition of the Secretary is that which as-erts, that, as the propriety of removing the deposits was evident, it was consequently *his duty* to select the places of present deposit. Sir, on this point I do not mean to ask any considerable attention of the House; for, although I hold the act of the Secretary to be against the law of Congress, and one from which the most critical consequences may result, it is not altogether, as I learn, without the countenance of a previous Treasury practice, and I mean not to press it to any other purpose than as a caution to be adverted to in the disposition of the general subject. The authority of the Secretary of the Treasury, under the 16th section of the charter, is not to remove the deposits, as his letter supposes, but merely to order and direct that they shall not be made in the Bank of the United States. When the deposit in that bank ceases to be lawful by the order of the Secretary, the general law takes up the subject, and that law gives to the Treasurer the power which the Secretary has undertaken to exercise. The 4th section of the act of 2d September, 1789, is entirely explicit, "that it shall be the duty of the Treasurer to receive and keep the moneys of the United States,"—"to submit to the Secretary of the Treasury, and to the Comptroller, or either of them, the inspection of the monies in his hands," and to give bond, with sufficient sureties, in the sum of \$150,000, payable to the United States, "with condition for the faithful performance of the duties of his office; and for the fidelity of the persons to be by him employed." It is the Treasurer who is to choose the place of deposit; and he is the best officer in theory, as well as the only officer by the law, to perform the act; because the doctrine of general convenience and interest are not so likely to reach him. His object will be security, and his bond is the motive for obtaining it. If there is a Treasury practice that has displaced the Treasurer, the practice should be made to conform to the law, or the law to the practice. As the case now stands the money of the United States is not deposited where it is, by direction and under the sanction of the law. It is placed in the deposit banks by an officer who has not the authority so to place it; and, in case of controversy, it may possibly be found, not only that the bond of the Treasurer is of no avail, but that remedies for the loss or detention of the deposits, are not to be obtained in the name of the United States, or in the courts of the United States, but in private names and in State courts, with all the contingencies incident to litigation in this form. Whatever may be the practice it is not becoming, sir, that the Treasury of the United

States should be in any predicament but that precisely in which the law has given its direction to place it.

These general propositions of the Secretary are, then, I submit to this House, one and all of them, unsound, and without foundation in law; and some of them are pregnant with most alarming consequences to the public safety and welfare. If his particular reasons are dependent on them, as they doubtless are, they fall with their foundation; and they have, moreover, peculiar defects of their own, as will be seen by the details of more interest to which their consideration will give rise.

Sir, the Secretary admits that the public deposits were safe in the Bank of the United States. He admits that the Bank has faithfully performed its duty to the Government in every stipulated form. He admits it, by the clearest implication, in various parts of his report to Congress, and places the order of removal upon entirely distinct grounds. The only valid causes of removal are, then, in my humble judgment, wanting; and, if all the particular causes asserted by the Secretary could be sustained in fact and law, they would fall short of a justification. They will, however, be found, one and all, to be without support.

Sir, the first and principal reason for the order of the Secretary is, that the present charter of the bank will expire in March, 1836; and that it is not to be renewed. I do not mean to detain the House with a commentary upon the novel spectacle of a Secretary of the Treasury instructing Congress upon the subject of his constitutional opinions in regard to the charter of the Bank, or upon what they will or will not think fit themselves to do in regard to the renewal of the charter. For the purposes of this inquiry, I grant that the charter is not to be renewed. The question is, how does that circumstance justify the present removal?

The manner in which the Secretary develops his reasoning on this head is as striking as it is plain and intelligible. He begins by an avowal, that, if the deposits should be left in the Bank until the expiration of the charter, it may be doubted whether the Bank will have the ability to be prompt in paying them to the Government. He proceeds to suggest that the circulation of the Bank, moreover, if it continues out till that time, will become a depreciated currency, not merely by the character of the paper, but by the cessation of the public guarantee, that the Bank should be made to reduce her circulation, by reducing her discounts; that the removal of the public deposits will compel her to make this reduction; and that the State bank circulation being pushed out, in its place, by means of these deposits made elsewhere, the notes of the Bank of the United States will be withdrawn, and a currency *probably more uniform* be substituted in its place.

Sir, whatever may be the merits of this plan, there is no doubt that it is perfectly intelligible. It is an operation we are acquainted with. We know what it means, and what it is to bring to pass. But the question in this place is, what right had the Secretary to take the public monies from the Bank of the United States, because its charter was to expire in March, 1836? What authority did Congress mean to give him over the deposits, from the simple fact of lapse of time? I confidently assert, none whatever. There was no contingency in the circumstance. It was matter of fatal necessity. It must occur; and the Secretary could not be better informed that it had occurred in 1833, than the Congress which granted the charter in 1816 were then informed that it would occur. Sir, it was just as well known in 1816 as it now is, that the 1st of October, 1833, was separated by two years and five months from the 1st of March, 1836; and if lapse of time had not been deemed an inadequate cause for the removal, Congress would themselves have ordered the deposits to be removed at the time they thought proper, and have made the removal at that time a matter of positive enactment, and not of contingency. Now Congress have not only not done this, but they have done the contrary. They have char-

tered the Bank for twenty years; they have bound her to perform services for twenty years; and they have ordered the deposits to be made in her vaults, by necessary implication for the whole period, subject to the contingent exercise of the power of removal. It is a violation of the charter, without reasonable color, for the Secretary to make that removal upon the ground of mere time; and such is the ground his letter occupies, without reference to any contingency whatsoever.

The Secretary has wholly overlooked the provision in the charter which allows two years to the Bank for winding up its concerns, after the 3d March, 1836. That provision runs: "And notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed; but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation."—Sec. 21.

"As the act of Congress," says the Secretary, "which created the corporation, limits its duration to the 3d of March, 1836, it became my duty, as the Secretary of the Treasury, in executing the trust confided to me under the law, to look to that period of time as the termination of its corporate existence." "It was incumbent on me, in discharging my official duties, to act upon the assumption that this corporation would not continue in being after the time above specified." Now, sir, the corporate existence is not so limited as the Secretary has felt it incumbent on him to assume. It is to continue two years more, for the very purpose of enabling it to do that which the Secretary says shall be done before. There is no one operation which he wishes to compel the Bank now to perform, that she cannot most appropriately perform in the additional two years. She may diminish or reduce her discounts in any ratio she deems fit, five per cent. or ten per cent. a month, or more or less, as circumstances may require. She may possibly bring in her circulation, in the same proportion, though that depends on the pleasure of the holder. She may do every thing she now does, but expand herself after having closed or liquidated a transaction. She cannot make a new loan, but she may continue in force the existing contracts, or settle and liquidate them as she may deem expedient: Sir, not only has the bank the right to keep out her circulation, and to keep up her discounts during the whole term of the charter, which right she has purchased and paid for, but it is her duty to do it, unless she is disabled by the act of the Secretary. It was her promise in accepting the charter. Her duty to trade is to assist it; to her stockholders, it is to make an interest upon their capital; and, above all, her duty to the nation is to keep within the limits of safety, by due control and regulation, the very State bank paper which the Secretary desires to augment. For these duties, in addition to the greater design of securing and distributing the public revenue, the Bank was created, and is bound to their performance as long as she can perform them with safety to herself and to the country.

Sir, the project of the Secretary of the Treasury astonishes me—it has astonished the country. It is here that we find a pregnant source of the present agony—it is in the clearly avowed design to bring a second time upon this land the curse of an *unregulated, uncontrolled, State bank paper currency*. We are again to see the drama which already, in the course of the present century, has passed before us, and closed in ruin. If the project shall be successful, we are again to see these paper missiles shooting in every direction through the country—a derangement of all values—a depreciated circulation—a suspension of specie payments; then a further extension of the same detestable paper—a still greater depreciation—with failures of traders, and fail-

ures of banks, in its train—to arrive, at last, at the same point from which we departed in 1817. Suffer me to recall to the recollection of the House a few of the more striking events of that day. The first bank of the United States expired in March, 1811. Between the 1st of January, 1811, and the close of the year 1814, more than one hundred new banks were established, to supply this more *uniform and better currency*. For ten millions of capital called in by that Bank, twenty millions of capital, so called, were invested in these. In the place of five and a half millions, about the amount of circulation in notes of that bank withdrawn, twenty-two millions were pushed out. Then came a suspension of specie payments, in August and September, 1814. As an immediate consequence of this suspension, the circulation of the country, in the course of fifteen months, increased fifty per cent. or from forty five to sixty-eight millions of dollars; and the fruit of this more uniform currency was the failure of innumerable traders, mechanics, and even farmers; of one hundred and sixty-five banks, with capitals amounting to thirty millions of dollars; and a loss to the United States alone, in the negotiation of her loans, and in the receipt of bankrupt paper, to an amount exceeding four millions of dollars. I take this summary from the treatise of Mr. Gallatin, on the Currency and Banking System of the United States, one of the most valuable contributions that great sagacity and an enlightened spirit of research have made to the political literature of this country, and which it is one of the sins of the present Bank that she has endeavored to diffuse among the people. This may enable us to apprehend what was lost, in the item of property alone, by this *better currency*. What it cost us in reputation, it is impossible to estimate. Does Kentucky wish to see the return of those days? Does Pennsylvania wish it? Does any man wish it, who has property, or the desire to possess it, and reason to discern the causes of its decay and destruction? I thank the Secretary for the disclosure of this plan. I trust in God it will be defeated; that the Bank of the United States, while it is in existence, may be sustained and strengthened by the public opinion and interests of the people to defeat it; that the sound and sober State banks of the Union may resist it, for it is their cause; that the poor men and laborers in the land may resist it, for it is a scheme to get from every one of them a dollar's worth of labor for fifty cents, and to make fraud the currency of the country as much as paper. Sir, the Bank of the United States, in any other relation than to the currency and property of the country, is as little to me as to any man under heaven; but after the prime and vigor of life are passed, and the power of accumulation is gone, to see the children stripped, by the monstrous imposture of a paper currency, of all that the father's industry had provided for them—this, sir, may well excite the warmth that denounces this plan as the precursor of universal dismay and ruin.

I have said, sir, that it is the cause of the sound and sober State banks that I am defending. When the evils of such a currency prevail, the people do not discriminate. A bank note is a bank note. Fear gives them all the same look to the apprehensive. If a few banks suspend their specie payments, many will do it; all must do it, unless they see the storm in its approach, and close their doors until its fury be spent. The Bank of the United States herself may well look for that day, if it comes in her time, with fear. Let her not be weakened before the hour of her trial. I should regard that man, sir, as one of the greatest benefactors of his country, who would devise, for the use of this people, some control over the paper currency of the State banks, and relieve us from the perpetual recurrence of constitutional doubts and party contention, to which the career of a Bank of the United States seems necessarily exposed. Control of some kind is essential—it is indispensable; there can be no property, or, what is the same thing, no security or uniformity to its value, without it. Let us have a re-

spite from the evil while the law can give it to us. Let us not be turned off before the warrant of execution calls for it. Let two years more be given to sober reflection by the people, that there may be a *locus penitentie* allowed to those who are now proposing this plan, without suggesting the means of control, or appearing to think that they are necessary.

But, sir, the Secretary says that the deposits will not be promptly paid, if they are left in the Bank until the charter expires, and it is his duty, therefore, not to leave them there. What is it that is apprehended will cause this default? Does the Secretary suppose that private deposits will continue in the Bank to the same time, and, by their demands, interfere with the payments to the public? If individual deposits do not remain, all will be admitted to be well. The public deposits will be paid then, as they are now paid, promptly. If the private deposits do remain, and the bank notes continue in circulation to their old amount, then, sir, let the Treasury, for once, trust to the instinct of self-interest in the people, and believe that what all concur in doing for themselves, when they have the readiest means of doing otherwise, if they please, cannot be very dangerous to the public. Sound reasoning and experience alike expose this Treasury apprehension. A bank having the resources that the Bank of the United States is admitted to have, when she arrives at the term of her charter, increases, from that moment, in strength; because her capital is then to be returned to her, and her debtors have been previously admonished that they must then be prepared to return it to her. Other banks may then assist by their expansion, the liquidation of her debts, and they may do it safely, to a considerable extent, as she cannot have, or, if she has, she cannot exercise, a power to distress them by her demands, without combining a vast force of public opinion against her, that will effectually resist her. To ask of the State banks what it must distress them to give, and what is not necessary to the United States Bank for operations then discontinued, would be as idle in her as the apprehension of it is in others. It cannot occur. There must be a reasonable arrangement between the United States Bank and all the State banks who assist in absorbing her loans, to prevent or to mitigate the distress that the withdrawing of a large capital would otherwise occasion. This therefore, is the moment when the bank of the United States will have the greatest power for her own protection, without having it for the annoyance of the State banks; and, unless there is a general crash which shall make deposits unsafe every where, they will be as safe in the Bank of the United States as they can be any where.

Sir, this is the result of experience, derived from an operation which the Secretary of the Treasury has strangely overlooked.

The honorable member from Tennessee, in the course of his argument, made one remark, which, not being at all necessary in the consideration of the present question, I may be excused for saying, was a remark which I regretted. The gentleman took occasion to say, that the first Bank of the United States was charged with having been given over to political abuses and to the aid of the aristocracy, in opposition to the Government of the country; and that, in this respect, the present Bank had followed in her steps.

Sir, I owe a debt to the directors of that first Bank which it would ill become me not to endeavor to discharge, in part, on such an occasion as this. I am indebted to those gentlemen for having first held out their hand to me in the path of my profession. With such of them as have passed away, I lived in unbroken friendship and affection till their death, and the few who remain are equally worthy of the sentiment. I should feel it to be an abandonment of my duty if I did not deny the imputation which has been cast upon them, not by the gentleman from Tennessee, but by those whom he quotes. I was a director of that Bank during the last years of her charter, when I was too young to gov-

ern her councils, though not to understand them; and, as one of those directors, I have assisted in liquidating her concerns. Sir, the directors of the parent Bank (I know nothing of the branches,) were a body of as honorable men, as impartial, and as faithful to their trust, as any men that ever lived. There was not a politician at their board, nor a man who gave up himself to any thing but the performance of duty to his trust. At their head was a gallant soldier, who, during the war of the Revolution, was a prisoner to the enemies of his country, and who, a few years since, descended to his grave, esteemed and respected by all who knew him, most of all for his rectitude as well as fearlessness of purpose, in the execution of every trust he undertook. Sir, I know the Bank was charged as the gentleman states, but the charges were unjust and untrue. From whom or why she received the bad name for which she was hunted down, it does not concern the present question to inquire.

It is the history of the liquidation of this bank that the Secretary has overlooked, and it is the most triumphant answer to his doctrine of default and depreciation. Her charter expired on the 3d March, 1811, when her corporate existence ceased at once and forever.

On the 1st Jan. 1811, her situation was as follows: The amount of her notes discounted and

loans was	\$17,759,001
Public deposits	\$6,474,402
Private deposits	3,855,402
Notes in circulation	6,070,153
Specie	5,317,885

On the 1st March, 1811, it was as follows:

The amount of discounts and loans,	\$14,587,134
Public deposits,	\$2,874,833
Private deposits,	3,583,596
Notes in circulation,	6,552,075
Specie,	4,835,702

On the 1st September, 1811, it was as follows:

The amount of discounts and loans,	\$7,152,786
Public deposits,	\$ 322,349
Private deposits,	448,112
Notes in circulation,	2,963,209
Specie,	4,500,527

And on the 1st March, 1812, it was as follows:

The amount of discounts and loans,	\$3,792,975
Public deposits	\$ 81,517
Private deposits,	223,442
Notes in circulation,	1,070,479
Specie,	6,116,776

Thus from the 1st March, 1811, two days before the charter expired, to the 1st September, 1811, the Bank paid, as the above statements show—

Public deposits,	\$2,552,484
Private deposits,	3,135,484
Bank notes,	3,589,566
	\$9,277,534

And her specie fell only \$333,175.

From the 1st March, 1811, to the 1st March, 1812, she paid—

Public deposits,	\$2,793,316
Private deposits,	3,360,154
Bank notes,	5,482,416

And her specie increased from \$4,116,776 to \$6,116,796 being an increase of \$1,281,074.

Comparing her capital with that of the present Bank, which is three and a half times greater, the present Bank might stand with equal safety on the 1st of January, 1836, with the following discounts and liabilities:

Notes and domestic bills,	\$62,156,503
Notes in circulation,	21,245,530
Public deposits,	22,660,407
Private deposits,	13,493,907

Whereas, on the 1st of October, 1833, the discounts and liabilities of the present bank were as follows.

Notes and domestic bills,	\$60,094,202
Notes in circulation,	19,128,189
Public deposits,	9,868,434
Private deposits,	8,008,862

In one particular, and only in one, was the provision of the first Bank better, for the day of trial, than that of the present bank. Her specie, on the 1st of January, 1811, was \$5,317,585, being more than equal to one-half of her capital; while that of the present Bank, on the 1st of October, 1833, was \$10,663,441—a little more than two-sevenths of her capital. The specie of the first Bank had been greatly augmented by importations under the royal orders from the Spanish colonies, which the embargo and other restrictions had prevented from going abroad; but it was increased, instead of being diminished, by the liquidation of her concerns. So much, sir, for the probability of default in paying the public deposits. As to depreciation of her notes, which the Secretary also apprehends—if the notes are to depreciate because they will be paid on presentation, because the quantity in circulation will be daily diminished, because the residue outstanding will be of increased value as exchange, and because, unless Congress shall pass a law to the contrary, the public guarantee will continue, then, but not otherwise, the Secretary's fears may prove true. Sir, the Secretary has erred, even as to the matter of the guarantee. The letter of the Secretary says that "this obligation on the part of the United States will cease on the 3d of March, 1836, when the charter expires; and as soon as this happens, all the outstanding notes will lose the peculiar value they now possess." The fourteenth section of the charter says otherwise. It says "that the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, *unless otherwise directed by an act of Congress.*" They will be notes of the said corporation as much after the charter expires as they now are.

But, sir, this apprehension of the non-payment of the public deposits, if left in the Bank until March, 1836, will appear, from another paper presented by the same Department to this House, to have been changed into an apprehension that, at that time, there would be no deposits any where to be paid. "*Judging from the past,*" the Secretary's letter says, "it is highly probable they will always amount to several millions." But a reference to the past, only, is not the best way of ascertaining what, under our altered revenue system, will be its amount. Accordingly, in his annual report on the state of the finances, made in the last month, the Secretary judges otherwise than by a reference to the past. I ask the attention of the House to a few, extracts from this report.

The balance in the Treasury on the 31st of December, 1834, is estimated to be \$2,981,796 05.

The Secretary after the statement which he deems necessary to justify the result, proceeds to say:

"In this view of the receipts of 1834, the income of the year will about equal the estimated expenditure; and, with the aid of the balance in the Treasury on the 1st of January next, it will be sufficient for all the wants of the Government, including the amount necessary to pay off the residue of the national debt."

He further says: "If the entire amount of appropriations proposed in the estimates for 1834 were also to be required within the year, there would not be money enough in the Treasury to meet them, after satisfying the balances above stated, and paying off the public debt."

He says further: "In estimating the balance in the Treasury at the close of 1834, I have therefore assumed that a portion of the estimates of expenditures herewith submitted will not be used during the year; and that

balances of appropriations, equal to the amount at the close of the present year, will, in like manner, remain in the Treasury at the end of the year 1834, and go into the expenses of the succeeding year; and it is not necessary to raise money for the public use sooner than it will probably be needed. But the balance stated at the end of 1834 is not to be considered as a clear surplus. It will still be chargeable with the amount of appropriations estimated to remain unexpended at that time.

"From this state of the finances, and of the proposed appropriations, it is evident that a reduction of the revenue cannot, at this time, be made without injury to the public service. Under the act of the last session, the receipts of 1835 will be less than those of 1834, as a further reduction in the rate of duties will take effect on the 1st of January, 1835; and if the appropriations should be kept up to the amount authorized for the present year, the charge upon the Treasury in 1835 would be more than it could probably meet. But the debt will then have been entirely paid; and, if a guarded rule of appropriation is at once commenced, there will be no difficulty in bringing down the expenditure, without injury to the public service.

"If the revenue is not to be reduced more than the existing laws provide for, there seems to be no sufficient reason to open, at this time, the vexed question of the tariff. The manner in which duties are now apportioned on different articles would be liable to insuperable objections, if it were to be considered as a settled and permanent system. But the law is temporary on the face of it, and was intended as a compromise between conflicting interests; and, unless the revenue to arise under it should hereafter be more productive than is anticipated, it will be necessary, in two years from this time, to impose duties on articles that are now free, in order to meet the current expenses of the Government."

The existence of the several millions in the Treasury in March, 1836, is therefore to depend on the future action of Congress upon the report of the Committee of Ways and Means; and if the existence of any public money in any bank at that time is to depend on the future action of Congress, how could that constitute a motive for removing the deposits in October, 1833?

The Secretary of the Treasury presents another reason for withdrawing the deposits on the 1st of October which is very remarkable. If I understand the Secretary, he makes the removal in October a consequence of the reductions by the Bank in August and September. The remarkable feature of this reason is, that the very effect he intended to produce by the removal, and which if the Bank did reduce, was produced by the known intention of removal, is preferred as the ground of complaint against the Bank, and as the justification of the removal. He complains of the Bank, because she acted as if she meant to carry her design into effect; and he removes the deposits because the Bank took measures to prevent the removal from distressing her. The amount of reductions in August and September, as the Secretary states them, was \$4,066,146, or \$2,000,000 per month; and, as her discounts and bills in August were \$64,000,000, there is a simple rule in arithmetic by which we may ascertain the monthly reduction necessary to effect the Secretary's object during the thirty-one months of the charter which then remained. It is clear, sir, that the monthly reduction must be more than two millions; and now that the deposits are removed, and we are in the month of January, when the loans and bills stand at about \$55,000,000, the monthly reductions of the Bank for the twenty-six remaining months of the charter must be more than \$2,000,000, or the object which the Secretary meant to effect will not be accomplished. It is remarkable that the apparent coincidence of the Bank with the design of the Secretary should be a ground of complaint against the Bank.

The Secretary says, and gentlemen concur with him in saying, that the Bank have reduced too rapidly. Suppose it to be so; did the Secretary inform the Bank

what amount of reduction be thought sufficient? Did he tell of the amounts to be from time to time removed, and the places at which they would be required? No. He says that "the nature of the inquiry at the four principal banks," (of which the Bank knew nothing,) "showed that the immediate withdrawal, so as to distress the Bank, was not contemplated; and that if any apprehensions to the contrary were felt by the Bank, an inquiry at the Department would no doubt have been promptly and satisfactorily answered." What, sir, was the Bank to come to the Treasury Department to ask for the suspension of a demand, which she was bound to be in readiness to pay whenever made? Is this to be said while the sound of the honorable member's voice, upon the subject of the three per cents, is still in our ears? While this House has in its fresh recollection the charge against the Bank, that she asked in March a suspension of the discharge of half the three per cents, from July to October, 1832, "because the Bank was not able to pay them?" No, sir; that was sufficient warning to Mr. Biddle not to approach the Department upon the subject, even had he been invited; and, if he had approached it, under any circumstances, we should have heard again the same changes rung upon the inability to pay the deposits that we have heard in regard to the three per cents. The master of the removal was in the Treasury. The time and proportions depended upon him, and, if his concern for the country was excited, if the reductions of the Bank were too rapid according to the Treasury views, the remedy was in the power of the Treasury, and should have been applied.

Sir, the Bank of the United States acted wisely and warily in August and September. Although the removal of the deposits did not take place until the 1st of October, the intention to remove was fully known in July. The agency to negotiate with the State banks was announced in the *Globe* on the 25th of July; and, whatever the public might think, it was not for the Bank to act in any other faith than that the purpose would be immediately and relentlessly executed. It was the clear duty of the Board to prepare itself without a moment's delay. The position of the Bank was every where known to the Treasury Department by the weekly statements. Her widely dispersed branches were to be strengthened wherever they required it. Her circulation was large, and she was in the practice of assisting it by an almost universal payment at all points, without regard to the tenor of the notes. The House may judge of the extent of accommodation which the Bank was in the practice of giving, by the thirty-nine millions of these notes paid, out of place, in the year 1832. They may know it further by the fact, that, of these branch notes, \$1,540,000 were paid at the Bank of the United States in Philadelphia, during the very months of August and September, 1833. This circulation was to be sustained and increased, to be still more facilitated, as it since has been, to keep the people and the Bank from feeling the consequences of the measure. All this required that the Bank should not sleep upon her post. The least dishonor suffered by that Bank would have produced universal disorder in the country.

I understand the honorable member from Tennessee to say, that the reductions by the Bank, in August and September last, were greater than they ever had been in any other two months since her institution. I join issue upon this allegation. They have been greater in other months, and they were greater in the very same months of the preceding year.

In August and September, 1833, the amount reduced was \$4,066,146. In August and September, 1832, it was 4,315,678, being the difference between \$68,008,988, the discounts and domestic bills in August, 1832, and \$63,693,310, their amount in October; and yet there was no alarm whatever in 1832. There was moreover, a greater reduction, by a million and a half, from July to October, 1832, than there was between the same months

in the present year, and without any distress or alarm. The discounts and bills in July, 1833, were \$63,369,897. The discounts and bills in October, 1833, were 60,094,202. Reduction, 3,275,695.

The amount in July, 1832, was 68,416,081. The amount in October, 1832, 63,693,310.

Reduction, \$4,722,771. There was a greater State bank debt in October, 1832, than in the same month, 1833, and yet there was no alarm. In October, 1833, it was \$2,285,573, and in October, 1832, it was \$2,820,114. The reason of the difference may possibly show to the gentlemen that mere reduction is an insufficient element for determining the pressure in the market. In Oct. 1832, the payment of the 3 per cents was to restore to the community a portion of the sums called in by the Bank. In October, 1833, the deposits were to go where individuals must have a less beneficial use of them, and where they could have no use of them, except as the State banks should choose to lend upon them.

Nor did the whole reduction, from October to December, 1833, cause the existing distress. It is well, sir, to present these details, that the House may reflect upon them, and learn how far the Secretary is responsible for the condition of the country. The Bank paid out, in the two months of October and December, \$246,766 more than she received from the community.

Receipts.
In October, 1833, her discounts and bills were \$60,094,202. In December they were 54,453,104. 5,641,098.

Payments.
In October the public deposits were 9,868,434. In December they were 5,162,259. 4,706,175.
In October the private deposits were 8,008,862. In December they were 6,827,173. 1,181,689. 5,887,864.

Excess of payments over receipts, \$246,766.

Nor was the reduction by the Bank of the United States, in the month of December, the cause of the distress.

In December, 1833, the discounts and bills were \$54,453,104. In January, 1834, they are 54,911,461.

Showing an actual increase of \$458,357. Yet, in that month, the public and private deposits were paid to the extent of \$1,024,058. Yes, sir, in this very month, when it has been said that the Bank had grasped the debtor's throat, to compel an outcry to Congress for the return of the deposits, the Bank extended her loans nearly half a million of dollars, while she paid more than a million of her deposits.

Nor was the entire reduction in the four commercial cities, from October, 1833, to January, 1834, the cause of the prevailing distress.

In October, 1833, the loans and bills in those places were as follows:
Philadelphia, \$7,156,487.
New York, 6,180,883.
Boston, 3,965,283.
Baltimore, 2,033,318.

\$19,335,971

In January, 1834, they are as follows:

Philadelphia,	\$7,979,233
New York,	5,970,055
Boston,	2,316,034
Baltimore,	1,954,045
	<hr/> \$18,219,367

Making \$1,116,604 reduction in the four cities during the three preceding months.

The cause of the alarm and general paralysis are not to be found, then, in the conduct of the Bank of the United States. They are to be sought for and found in the removal of the deposits; in the universal derangement of the money system of the country by that means; in the just refusal of the United States' Bank to extend herself to her own undoing, or to keep herself unprepared for the coming storm, by remaining as extended as she was; in the inability of the State banks to use the deposits as beneficially as they were used before; and in the refusal of capitalists to lend their money and adventure their property in the face of a project to overwhelm the country with an uncontrollable State bank paper currency.

What, sir, does the Secretary of the Treasury expect of the Bank? What measure of justice does he render to her? He says, the design of removing the deposits was to compel reduction, and he censures her because she reduces. He complains that she increased her discounts and domestic bills, from December, 1832, to August, 1833, more than two millions and a half, when this was the very season in which trade requires the increase, and it was wholly in the purchase of domestic bills. He complains that she reduced her discounts, in August and September, 1833, four millions of dollars, when this is the very season of payment, when trade does not require the means, and three millions of the amount was by the payment of domestic bills which had arrived at maturity. He complains of the increase of loans in December, 1830, when they were \$42,402,304; and he complains of reductions in August, 1833, when they were twenty-two millions more, viz: \$64,160,349. He complains of reductions in 1833, when, in the whole, from June to December, they have been but \$610,508 more than they were in 1832; and the Bank has had also to pay the public deposits.*

* The statements which verify these positions may be more intelligibly placed in a note than in the body of the argument, as they were stated to the House.

1. The variations in the increase and diminution of discounts and domestic bills through the years 1832 and 1833, are shown by the following statement:

	Domestic bills.	Discounts.	Total.
January, 1832,	\$16,691,129	49,602,577	66,293,707
June,	22,850,769	46,712,040	69,562,809
December,	16,647,507	44,924,118	61,571,625
January, 1833,	18,069,043	43,626,870	61,695,913
June,	22,427,762	40,627,094	63,054,796
December,	15,672,557	38,780,567	54,453,104
Total reduction from June to December, 1832,			7,991,184
Total reduction from June to December, 1833,			8,601,692

2. The increase of two millions and a half, from January to August, 1833, was wholly in domestic bills, while the discounts were reduced.

	Discount bills.	Discounts.
January, 1833,	\$18,069,043	43,626,870
August, 1833,	20,923,243	43,237,106
Increase,	2,854,200	389,764 diminution.

Sir, it is clear that the Bank must abide the reproaches of the Secretary, whatever she does. But what has she not a right to expect from this House, from the People, from the solid State banks, from all who are concerned in the currency, and the property it circulates? Their safety depends on her pursuing the course she has traced out, from which neither the reproaches of enemies, nor the entreaties of friends, should divert her. For the former I have no apprehension; and for the latter, although I entertain some fears, I trust that an answer will always be found by the able Board which administers the concerns of the Bank, in the superior claims of public duty.

The Secretary asserts, sir—and it seems to be a favorite assertion, as it is to be found in more than one place in the letter—he asserts that the Bank has violated the charter. He says, that, “instead of a Board constituted of at least seven directors, according to the charter, at which those appointed by the United States have a right to be present, many of the most important money transactions of the Bank have been, and still are, placed under the control of a committee, denominated the Exchange Committee, of which no one of the public directors has been allowed to be a member since the commencement of the present year. *This committee is not even elected by the Board, and the public directors have no voice in their appointment.* They are chosen by the President of the Bank; and the business of the institution, which ought to be decided on by the Board of Directors, is, in many instances, transacted by this committee; and no one has a right to be present at their proceedings but the President, and those whom he shall please to name as members of this committee. Thus loans are made, unknown at the time to a majority of the Board, and paper discounted which might probably be rejected at a regular meeting of the directors. The most important operations of the Bank are sometimes resolved on and executed by this committee; and its measures are, it appears, designedly, and by regular system, so arranged as to control from the officers of the Government transactions in which the public interests are deeply involved. And this fact alone furnishes evidence too strong to be resisted, *that the concealment of certain important transactions of the corporation from the officers of the Government is one of the objects which is intended to be accomplished by means of this committee. The plain words of the charter are violated,* in order to deprive the people of the United States of one of the principal securities which the law had provided to guard their interest, and to render more safe the public money intrusted to the care of the Bank.”

Now, sir, the Secretary cannot have examined this matter, or he would have entertained a different opinion. There is no violation whatever of the charter in giving the President authority to appoint the Committee of Exchange, or in authorizing that committee to transact the business of exchange, or even to discount, if such a power should be deemed expedient.

The Secretary appears to rely on the fourth fundamental law of the corporation, which enacts, that “not less than seven directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he, by writing under his hand, shall depute for that purpose. And the director so deputed may do and transact all necessary business belonging to the office of the President of the said corporation, during the continuance of the sickness or necessary absence of the President.” By *transaction* of business, the Secretary would seem to understand exclusively the *execution* of business; the carrying of a direction, order, or law, into act and effect. But this is not the restricted meaning of the word in this place, for several satisfactory reasons. 1. Such a restriction upon the execution of the various business of the Bank, as

that not less than seven directors should form a quorum to do it, would render the execution of business impossible. Not a deposit could be received or paid, or the simplest operation of business performed, without the presence of such a quorum. 2. Accordingly, the charter, by the use of the different term, in a different place, shows that this is not the meaning of the words *transaction of business*. The tenth section gives to the directors for the time being "power to appoint such officers, clerks, and servants under them as shall be necessary for *executing* the business of the said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable." 3. The word, in its proper sense, includes both execution and direction. 4. The authority of the *Board*, as would naturally occur to most people, is *legislative*; and although they can also execute and perform definitely any business they please, it must depend upon the law which they prescribe to themselves, or which is prescribed for them by the charter and by-laws, what part they will perform in person, and what they will commit to others. The *quorum* is appointed for the exercise of authority as a Board—for legislation, and not for the execution of the laws or directions of the Board. The body is, by the very name of its office, *directive* and not *executive*. 5. This is clearly implied from the provision which gives to a substituted director the power to transact all the necessary business belonging to the office of President, during the continuance of the President's sickness or necessary absence. What is the necessary business belonging to the office of President? The charter does not declare it. Perhaps the only business which it allots to him, expressly, is that of signing notes of a certain description to give them a certain effect. Whence, then, can he get it, except from the Board of Directors, or the by-laws and regulations of the Bank? And if he gets it from the Board, they must have power to authorize and direct, and the President, by virtue thereof, must have power to execute.

Sir, the power of making by-laws and regulations for the government of the Bank has been wholly overlooked by the Secretary. The seventh section of the charter gives to the whole corporation, the stockholders, the power to "ordain, establish, and put in execution such by-laws, ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or to the laws of the United States;" and the present situation of this power is thus: It has been settled for a century, that where a charter commits the power of making by-laws to the whole body of the corporation, the general mass of corporators, they may delegate the power to a select body, who then represent the whole body in their acts of legislation. The contrary of this is held to be the law when the power is given by charter to a select body, for they cannot delegate their power to any other body. Now, sir, the whole body of the corporation of the Bank of the United States, the stockholders, at a general meeting held on the 6th January, 1817, did delegate their power of making by-laws and regulations to the Board of Directors, after passing a few by-laws not affecting the present inquiry. The act by which this was done declares, "that the directors shall have power to make such further rules, regulations, and by-laws, as they shall deem necessary and convenient for the government of the Bank of the United States, not contrary to these ordinances, nor to the act of incorporation, nor to the laws of the United States." Consequently, the directors have, since that time, possessed and exercised, and do now possess and exercise, the legislative power of the corporation, by the gift and delegation of the stockholders; and the laws and regulations made by the Board of Directors, whether for the government of their own body, or of the business of the Bank, not being contrary to the constitution, the laws of the United States, or the by-laws made by the stockholders, are

good and valid, either by virtue of their own charter authority as directors, or the authority delegated to them by the whole corporation.

Upon what principle is it, then, that a regulation of the Board authorizing the President to appoint committees, (a necessary power in every legislative body,) or that authorizing a committee to take order upon the purchase and sale of exchange, or to perform any other act of banking which the charter does not require to be done by somebody else, is denounced as a violation of the charter, and of the *plain words* of the charter? Sir, the power exercised by the Committee of Exchange is known by all who know any thing of practical banking, as it is now conducted in our cities, to be not only usual, but almost indispensable; and, to the due management of the parent Bank, entirely so. To require a quorum of seven to be present at every such operation, occurring as they do every day, would be to say that the Bank of the United States should not give the facilities to exchanges which the interests of trade require. The question of expediency is, however, for the Board, when its legal quorum is present, to decide; and they have decided it, and the stockholders have never questioned the decision. As to the *right*, though from convenience, as well as from the regular recurrence and magnitude of the operations, the discounts of promissory notes are directed by the Board of Directors in person, there is no legal difference between discounts and exchanges, or any other branch of banking business, which makes them necessarily subject to different rules. The Board may regulate the whole as it deems best for the Bank.

But, sir, this alleged violation of the charter, is connected, in the mind of the Secretary, with a design to conceal certain important operations of the corporation from the officers of the Government." The particular operations concealed are not suggested, but the concealment is alleged as an inference from the mode of appointing and instructing the committees in violation of the charter.

There are some points of fact adverted to in the Secretary's letter, and in the argument of the honorable member from Tennessee, which it is my intention to leave to those who think that they are still worthy of additional notice. I am not of that opinion. These matters regard the particular items of expense for printing and publication by the Bank, and the old affair of the 3 per cents, both as to the suspended payment from July to October, and the contract by the Bank with certain holders of that stock. If, after the volumes printed by the order of this House at the least session of Congress, upon these and other kindred questions, something more is required to be said, I am sure it may be said more profitably by others than by myself. So, also, sir, as to the discovery which the honorable member from Tennessee thinks he has made, of a contradiction between the amount of printing expenses of the Bank in 1831, returned by the Bank to the Senate under a resolution of that body, and the amount for the same year stated in the pamphlet which he is pleased to term the manifesto of the Bank—the former being, as I understand, the sum of \$9,775, and the latter the sum of \$21,708 53. That discovery may not prove to be as important as it is supposed to be, if gentlemen will advert to the fact that the call of the Senate embraces only the expenses paid by the Bank for *printing* and to *editors*; and the expenses in the pamphlet are the whole amount paid by the Bank for publications of every kind, by whomsoever printed and not merely the portion paid by the Bank to printers employed by itself, and to editors of newspapers.

These sir, are minor points; but the question of concealment involves great considerations. It would appear that the charge implies a general concealment, from the omission to appoint any one of the Government directors upon the Committee of Exchange; and particular concealment, from giving to the Committee

on the Offices a power to modify the resolutions of the Board for reducing the business of the institution as they should deem expedient, and refusing to order them to make a report to the Board; and, also, from refusing to the Government directors a copy of the resolution indicating the course of policy proper for the Bank to pursue under present circumstances, and which the Government directors thought should be transmitted to the Secretary of the Treasury. In regard to the Committee on the offices, I find it difficult to comprehend that branch of the alleged concealment, as by their letter of the 22d April, 1833, to the President, it appears one of the Government directors was at that time a member of that committee. Possibly, however, there may have been a change, and I shall so consider it.

Sir, these questions are of great importance to all banks, and to the Bank of the United States in particular. The right of the Government directors to the station they aspire to, or to demand that the Board should make the orders which the Board have refused to make, has not the least foundation. Their right to be members of any committee has no more legal support, than the right of a member of this House to be upon a committee appointed by this House. It depends, in this House upon the good pleasure of the House; or, what is constructively the same thing, upon the pleasure of the Speaker, chosen by the House. In the Board of Directors it depends on the pleasure of the Board, either directly or indirectly, as they make the appointment themselves, or give the power of appointment to the President of the Board. The right to require that a committee shall make a report to the Board, is the right of the Board, and not of any member of it. The right to take a copy of the minutes, for any purpose, depends on the will of the Board by whom they are made, or ordered to be made, as the charter does not contain any direction upon the subject. It would be the same in this House, if the constitution did not require a journal to be kept by each House, and to be published from time to time; though even this is subject to an exception, depending on the will of the House.

The questions of right being thus, let us examine, sir, the questions of expediency and propriety.

Heretofore, in the history of the Bank, the directors appointed by the President of the United States, have mingled in all the transactions of the Bank, mutually giving and enjoying unreserved confidence, and being in no respect whatever distinguished from the other directors. Mr. Biddle himself was a director appointed by the President, for many years, and particularly in the important years of 1829, 1830, 1831, and 1832, as the reports of the last session show; and other Government directors have, from time to time, acted upon all the important committees, including the Committee of Exchange, so as to give to the Bank the benefit of their peculiar qualifications, for it must always have been a question of qualification, and if a director was not qualified for a particular post, it is not probable, whatever was the source of his appointment, that he would be placed in it. But, sir, in the time of the present Government directors, a change has come upon us and upon the Bank, of a very important kind, and it is not surprising that it has affected those directors also.

It was vehemently suspected, sir, at the time of their appointment, that their notions of duty and right were peculiar; that they deemed themselves bound or entitled to use their posts for the purpose of making representations to the President of the United States, tending to excite odium against their co-directors, by impeaching their motives and acts, and thus to impair the credit of the Bank; that they deemed themselves at liberty, in the performance of this duty, or in the exercise of this right, to pursue objects which they did not care to avow, and which they were not permitted to avow; and, finally, sir, that, in some way, by some unexplained theory of their appointment, they had come to the opinion that they possessed *political powers* in the institution, which they were authorized to use for *political*

purposes. All this, sir, was, as I have said, most vehemently suspected; and if the suspicions were just, the propriety of placing them in posts of trust and confidence in the Bank was not so clear, particularly as, if they were so placed, it might have been difficult to persuade other gentlemen to sit beside them in the occupation of those posts. I say, sir, it might have been extremely difficult to persuade gentlemen of character, having some feelings and reputation of their own, to sit in a post of trust and confidence by the side of directors holding such notions of duty and right, and carrying them out, without avowing their objects, into measures of extreme personal annoyance, as well as of discredit to the Bank.

Sir, what was at that time, perhaps, no more than vehement suspicion, is now, and, for some time past, has been, matter of unquestionable certainty; and the certainty is derived from the best possible authority—the confession of the very party.

Sir, I beg to call the attention of the House to a part of a letter addressed by three of the Government directors to the President of the United States on the 22d of April, 1833, which is annexed to the letter of the Secretary. It is the first that has been exhibited to this House, but not the first in the correspondence of which it forms a part, and which has not been communicated. We know, even now, but in part. The three directors say:

"Without considering any portion of our remarks as falling within the limits of those private accounts, which, as you state, the charter has so carefully guarded, since the whole relate to the action of the Board upon matters fully open, and discussed, before them, and extend in no instance to the private debtor and creditor accounts of individuals, yet we may be excused for expressing much gratification at your assurance that the information requested is for your own satisfaction, and that you do not wish it extended beyond our personal knowledge. We may be permitted also to add, that the wishes and opinions which we took the liberty of expressing in our former letter have been since more strongly confirmed, and that we should not only feel more satisfaction ourselves, but be enabled to convey to you more full and correct information, were we to proceed in an investigation, whose object was avowed, and if we were strengthened by that official sanction which we suggested."

Then, sir, they were not altogether comfortable in their new position; and I do not wonder at it. Then their object *was not avowed*, and they were not permitted to avow it, but were compelled, by their own sense of distress, to ask for an official sanction, under which they might avow it: then, further, they were practising concealment themselves, and trying to prosecute an investigation, without avowing its object, when that object is known now to have been to inculcate the Board, and particularly the gentleman at the head of it, and, by means of the odium thus excited, to justify to public prejudice an act of deadly hatred to the Bank of which they were directors—the removal of the public deposits; and then, sir, I say, in conclusion, that there is not an honorable man in this House, or in this country, who will not respond to the sentiment, that they were treated at least as well as they deserved to be, by not being assisted in the performance of these remarkable labors. With this confession of concealment by the Government directors, to which they were coerced by the Executive, the Secretary of the Treasury arraigns the Board for concealing its operations from them. He charges the Board with concealment, in violation of their charter, and in contempt of the Government, when the head and front of their offence is this only—that they would not consent to be the dupes of concealment that was practised by others.

But, sir, this is not all. The memorial of the Government directors to this House, for the doctrine of which we are, I presume, indebted to the professional gentleman whose name is at the head, cannot be too much

adverted to, in connection with both the charge of concealment by the Board, and another charge, hereafter to be noticed, of a graver description. It is a document that may be considered as a sort of small *martyrology*—a history of the sufferings incident to disappointed efforts and mortified pretensions; and it contains, as is natural, a confession of the faith by which the sufferers have been sustained at the stake where they have placed themselves. I beg permission to exhibit it to the House.—“It has pleased the majority of the Board of Directors,” says the memorial, “in the document to which we refer, in order, we suppose, in some degree to extenuate their conduct, in systematically nullifying the representatives of the Government and the People,” [doubtless meaning themselves,] “to deny that the public directors are seated at the Board in any other relation than themselves; to deny the existence of any difference in the official character and duty of themselves and us. This extraordinary denial, in the face of all experience of the familiar history of the country, and of palpable reasoning, must rather be ascribed to the presumption which moneyed power is apt to inspire, than to the ignorance or wilful misrepresentation of those who make it. Nothing can be plainer than that the PUBLIC DIRECTORS WERE DEVISED AS INSTRUMENTS” —[I beg the House to advert to the felicity of the language—“were devised as instruments.”] “Nothing can be plainer than that the public directors were devised as instruments for the attainment of public objects; that their being insisted upon in the charter itself was in obedience to the will of those who elected the legislative body by which it was passed; and that their appointment was given to the President, with the advice and consent of the Senate of the United States, (not to the mere fiscal representative,) in order to clothe them with all the character of official representation, and to exact from them a discharge of all the duties, public, political, and patriotic, incident to a trust so conferred. If we are mistaken in this, we acknowledge that our solicitude about the rights and morals, the practical purity and freedom of our countrymen, has misled us. But we know that we are not.”

Devised as instruments, and given to the President, to exact from them a discharge of all the duties, public, political, and patriotic, incident to a trust so conferred! The sense would not have been more complete, sir, though the alliteration would have been more perfect, if they had described their functions as extending to all duties, public, political, patriotic, and party, incident to a trust so conferred.

Now, sir, without at present saying whether this theory was true, the other directors had a right to a counteracting theory for themselves; and if it is true that the Government directors were devised as instruments, and that they are, by their creation, *political* directors, the other directors, who have not been so devised, are entitled to consider themselves as anti-political directors, and not bound to assist the political operations of the other branch, but rather, by the momentum of their greater numbers to keep them from moving the Bank out of place. But, sir, the heads of the memorialists have been made dizzy by their elevation. Their theory has no foundation in reason, or in the charter. I deny that they were *devised* as instruments, whatever they may have made of themselves. There is not a shadow of difference between the rights and duties, the powers, or the obligations, of any of the directors: they are all directors, neither more nor less, and owing the same duties to all the interests confided to them. The directors appointed by the President owe a duty to the nation, and so do the others, and, in my poor judgment, they have performed it. The directors elected by the stockholders owe a duty to the Bank, and so do the directors appointed by the President; but they have neither performed nor acknowledged it. They are not placed there to make inquiries for the President. The President has no authority to direct inquiries to be

made by them. This is a question of charter power, of power over a corporation, all of whose privileges are rights of property. The charter gives to the President no such right. It expressly gives to the Secretary of the Treasury a right of limited inquiry, by investigating such general accounts, in the books of the Bank, as relate to the statements which the Bank is bound to furnish to the Treasury Department, but not further. Congress have the power to inspect the books of the Bank, and the proceedings of the corporation generally. These powers have been expressly given, and they have been so given because they would not have been derived by implication from the charter. But here is a power to be implied greater than all, and worse than all—a power to be exercised secretly, and without avowal, *ex parte*, without notice, without opportunity of reply or explanation being given to those whom it affects, and by persons who are holding, to all appearance, the relations of amity with their co-directors, sitting on the same seats, and professing the same general objects. Sir, the Board did right not to aid them; it would have done right to resist them; and I inquire of the members of this House, and ask them to follow out their honorable feelings into the reply—would they consent to sit in committee by the side of men who professed principles like these, and submitted themselves to the direction of another as to the manner in which they should carry them into execution? This question concerns all banks, and this Bank most intimately. A hue and cry is raised against the directors of this Bank, because the Bank will not tell the Government directors, *that they may tell the Secretary*, precisely how they mean to wind up, if they do mean it; and here is a new theory of banking, to place by the side of the new theory of political power—that all which the Bank intends to do for its own defence, is to be told to an enemy, that, if he thinks fit, he may defeat the measure; that it is not sufficient for him to continue to know the precise condition of the Bank, in point of fact, as it actually is, and as he must perceive it to be by the weekly statements, but that he must also know what it is going to be by the operation of the measures of defence, that if it is in his power, and he also thinks fit, he may frustrate the purpose. The private directors of this Bank have upon them the responsibility of taking care of all the stockholders—the nation, for its seven millions, included. If others forget this duty, they will not. This House, I hope, will not; nor will they join in censuring these faithful men for refusing, under the challenge of political power, to give up the direction of the Bank, by allowing to any department an inquisition into their concerns, which the charter does not warrant.

Mr. Speaker, it is in connection with this asserted right of inquiry into the affairs of the Bank, that the contracts, made by the Secretary with the new deposit Banks, become an object of the deepest interest. The 15th fundamental law of the Bank charter enables the Secretary to require of the Bank a weekly statement of the capital stock of the corporation, debts due to the same, monies deposited therein, notes in circulation, and the specie in hand; and gives him a right to inspect the general accounts relating to it in the books of the Bank, but not the right of inspecting the *account of any private individual*. This ought to have been sufficient for the Secretary, as, in the judgment of Congress, it was sufficient for the safe-keeping of the public monies. It was enough for safety, which Congress wanted, but not enough for interference and control of the Bank, which Congress did not want. The contracts which the Secretary has made with the deposit Banks hold a very different language, as may be seen by that with the Girard Bank. The Bank is bound, not only to make weekly returns of its entire condition, and to submit its books and *transactions* to a critical examination by the Secretary, or an agent duly authorized by him, but its expressly provided that this examination may ex-

tend to all the books and accounts, to the cash on hand, and to all the acts and concerns of the Bank, except the current accounts of individuals. Sir, I am happy to learn that the Stockholders of the Bank of Virginia have disavowed the act of their directors, in giving this power to the Secretary. It is a fearful power, and, with the Treasury interpretation of *current accounts*, (which is not the language of the charter, but *accounts* generally of any private individual,) we may see the extent of control, which, with the aid of the deposits, this clause of the contract will give. It is an authority for universal supervision of all the operations of the Bank, including its discounts, and for granting and withholding accommodations at the pleasure of the Secretary. I humbly submit to all who feel any kindred sympathies with honorable men, whether, in the absence of the mandate of a judicial decision, in a case in which such a decision has been avoided by the power that has a right to invoke it, whether this is a fit occasion to justify the removal of the deposits for violation of the charter, because the directors have not adopted or assisted such principles, interpretations, and aims as these?

The affair of the French bill I shall briefly notice, as I pass to the remaining topic of the Secretary's answer. I will take the history of that bill, as it is given by the honorable member from Tennessee—that it was a bill bought by the Bank, refused payment by the French Government, and upon protest, the amount was paid by the agent, for the honor of the Bank, to the foreign holder; that the money was not used by the Treasury here; and that the Bank suffered nothing but a few expenses, which the Secretary is willing to refund. I will agree that there is nothing but an *old* statute of Maryland to give damages on the protest, and that it does not include the sovereign of the country. I cannot argue the case, because the honorable member assumes all the law and all the facts, and the Secretary's letter gives us none. I must, therefore, agree to the case as he presents it. But the thing which passes my comprehension is, that a mere *claim* by the Bank—a claim without suit or other act—a claim which it is the privilege of the lowest and poorest to make upon the highest and richest in the land, without incurring either forfeiture or damage—that this should be gravely put forth as a brand of faithlessness upon the Bank, and a forfeiture of her right to the public deposits. Sir, there must be a strange perversion of mind in myself, or in the honorable Secretary, in regard to this conclusion. It would have been the occasion of infinite surprise to me, if the faculty of being surprised had not been recently so much impaired by use, that I am no longer conscious of its existence.

The last reason of the Secretary for removing the deposits is, that the Bank had employed her means with the view of obtaining political power.

I beg permission of the House to say a word concerning the humble individual who has the honor of addressing it. Had I been a director of the Bank of the United States, during the years in which it has been its misfortune not to have received the approbation of the Secretary, I should have been associated with men who are an ornament to the city in which they live, and an honor to their country—men, who, from earliest youth to their present mature age, have been beloved, respected, and honored by all around them, and who are as much the standard of all the virtues, private, social, and patriotic, as the coins of your mint are the standard of your currency, and without any of the base alloy which you mingle in your coins to make them fit for the use and abuse of the world. If I had been called upon to act with such men as these, in regard to measures of any kind, and had differed from them in my judgement, I should have deemed it almost an act of treason against the authority of superior intelligence, or of arrogance, exposing myself to reprehension or contempt. I should

have followed them fearlessly wherever they led, and with unshaken confidence that they could not lead me where either wisdom or virtue would be exposed to reproach. But, sir, I had not this honor. I was not a director of the Bank in 1829, nor in 1830, nor in 1831; and, though chosen a director in 1832, I left Philadelphia in January, to pass my winter here, and met the Board but once after my return, to show respect to the Committee of Inquiry appointed by this House. Of the measure now to be adverted to I was not informed, except as the public and this House have been informed. I can speak of them, therefore, without the influence arising from either participation or privacy. As to my professional relations to the Bank, I am proud to belong to a profession which has many distinguished members in both Houses of this Congress—a profession which the confidence and affection of this people have raised, in more than one instance, to the highest office in their gift. I will not degrade this honorable profession! I will not degrade my own rank in it, however humble, by condescending to inquire what extent of compensation would induce an honorable man to sell his conscience, and his principles, as slaves, to his client!

Sir, the great accusation against the Bank is, that she has endeavored to obtain political power, and interferred with the election of the President of the United States. Grant the design of the Bank, sir; and what then? It has not succeeded. The letter of the Secretary is an argument to show that it has not succeeded, and that the question of re-charter is settled against the Bank by the voice of the People at the last election. The election of the President—the appointment of the Secretary—the elections for this House—were all completed before the deposits were removed; and these are held up to show that the design imputed to the Bank has failed and fallen to the ground. Then I ask, sir, what is the character of that act which has removed the deposits? Is it preventive, or is it vindictive? It is vindictive, sir. It is punishment directed against the Bank for an imputed design that has wholly failed in its execution, and the victim of the infliction is not the Bank, but the country. If it is a matter of grave belief that the purpose of the Bank was that which is imputed, and that the elections have given out the answer of the People to it, what more triumphant refutation can be adduced of the reasons that find either a ground of apprehension, or a motive of punishment, in acts which have thus failed of effect? If the premises belongs to the case, the true conclusion is, that the people are in no danger from attempts to gain political power by the devices of the Bank, and that she may go on to the conclusion of her charter, performing her constitutional duties to the country, as she has always done, with fidelity and success; leaving the question of renewing the charter to settle the extent of her punishment.

But, sir, I deny the charge. I say the design was not entertained, and that not a particle of evidence has been produced to infer the contrary. The Board have printed and published, and have assisted in printing and publishing, “for the purpose of communicating to the people information in regard to the nature and operations of the Bank, and to remove unfounded prejudices, or repel injurious calumnies on the institution intrusted to their care.” This is the declared purpose of all they have done, and they stand upon the sacred principle of self-defence in asserting their right to do it. That there was nothing in the veto message to justify the circulation of the review which the gentleman from Tennessee has noticed, is more than I admit; and when the gentleman shall assert, upon his own authority, that the Board have given currency to a scurrilous pamphlet against any one, he will find me ready either to deny the fact, or to admit its impropriety. The constitution secures to every person, natural and political, the right of printing and publishing, being responsible for the abuse of

it. It prohibits Congress from passing any law abridging the freedom of the press. If the charter had inserted a provision to restrain the Board of Directors from printing or publishing, it would have been null and void. An interpretation of the charter to restrain it is equally so. They have the universal right, subject to the constitutional corrective through the judicial tribunals of the country; but to condemn, and then to try them—to punish and then to hear—belongs not to the tribunals of this earth, nor to the constitution of this country.

Sir, the change of the deposits is an extraordinary mode of preventing their application to the purposes of political power. Before their removal, they were in a Bank not possessing political power, nor capable of using it. They are now wielded by those who possess it, and who are more or less than men if they do not wish to keep it. Then they were in one bank, under one direction; now they will be in fifty. Then they were in a Bank which political power could not lay open to its inquiries and control; now they are in Banks that have given a stipulation for submitting all their acts and concerns to review. Then, if these deposits sustained any action at all, it was in the safest form for the people—action against power in office; now its action is in support of that power, and tends to the augmentation of what is already great enough.

I say, in conclusion upon this point, if these publications are deemed by this House to have been unlawful, return the deposits till the Bank has been heard. Go to the *seire facias*—give to the Bank that trial by jury which is secured by its charter, and is the birthright of all. Ask the unspotted and unsuspected tribunals of the country for their instruction. Arraign the Bank upon the ground either of sedition, or grasping at political power. There was ample time for it, and still is; and there is a great precedent for it, which I commend to the consideration of this House.

Sir, in the worst days of one of the worst princes of England, (I mean Charles the 2d,) the love of absolute rule induced him to make an attempt upon the liberties of the city of London, whose charter he desired to overthrow. He complained that the Common Council had taxed him with a delay of justice, and had possessed the people with an ill opinion of him; and, by means of his ministers of the law, and by infamous packing the bench, having promoted one judge, who was not satisfied on the point, and turned out another who was not clear, he succeeded in obtaining a judgment, under which the liberties of that ancient city were seized by the crown. But, when the revolution expelled his successor, and the principles of the British constitution came in with the House of Orange, an early statute of William and Mary reversed the judgment as illegal and arbitrary; and from that time it has been the opprobrium of the bench, and the scorn of the profession.

The account of it which is given by Burnet, is thus:—"The court, finding that the city of London could not be wrought on to surrender their charter, resolved to have it condemned by a judgment in the King's Bench. Jones had died in May; so now Pollexfen and Treby were chiefly relied on by the city in this matter. Sawyer was the attorney General, a dull, hot man, and forward to serve all the designs of the court. He undertook, by the advice of Sanders, a learned, but very immoral man, to overthrow the charter. The two points upon which they rested the cause were, that the Common Council had petitioned the King upon a prorogation of Parliament, that it might meet on the day to which it was prorogued, and had taxed the prorogation as that which had occasioned a delay of justice: this was construed to be the raising of sedition, and the possessing the people with an ill opinion of the King."—"When the matter was brought near judgment, Sanders, who had laid the whole thing, was made Chief Justice; Pemberton, who was not satisfied on the point, being removed to the Common Pleas, on North's ad-

vancement. Dolbin, a judge of the King's Bench, was found not to be clear; *so he was turned out*, and Wilkins came in his room. When sentence was given, Sanders was struck with an apoplexy, upon which great reflections were made; but he sent his judgment in writing, and died a few days after." As the only precedent which the books present to us of forfeiture of character for sedition, or an interference with political power, it is not without instruction.

Sir, the reasons of the Secretary being one and all insufficient to justify the removal of the deposits, the question of remedy is the only one that remains. The state of the country requires the return; but the question of return has nothing to do with the renewal of the charter. If renewal were the object, I should say, do not put them back, leave them as they are; make no provision for the future, and see, at the end of two years, to what relief the people will fly. But, sir, let us save the country from this unnecessary suffering. Return them, and the mists will clear off from the horizon, and the face of nature smile as it did before. Return them, and make some provision for the day when the capital of this Bank is to be withdrawn from the country, if it is to be withdrawn. Provide some control, some regulation of your currency. The time is still sufficient for it, and the country requires it. If, indeed, this Bank is not to be continued, nor another to be supplied, nor a control devised to prevent the State Banks from shooting out of their orbits, and bringing on confusion and ruin, then, I confess that I see no benefit in putting off the evil for two years longer. The storm must come, in which every one must seize such plank of safety as he may out of the common wreck; and it is not the part, either of true courage or of provident caution, to wish it deferred for a little time longer.

Sir, I have done. I have now closed my remarks upon the question of the public deposits, second in importance to none that has occurred in the course of the present administration, whether we regard its relations to the public faith, to the currency, or to the equipage of the different departments of our Government. It is with unfeigned satisfaction that I have raised my feeble voice in behalf of the amendment offered by the gentleman from South Carolina, whose enlightened labors in this great cause, through a course of years, have inseparably connected his name with those principles upon which the security, the value, and the enjoyment of property depend; and it will be a sufficient reward for me if I shall be thought not to have impaired the effect of his efforts; nor to have retarded the progress of those principles to their ultimate establishment. For myself, I claim the advantage of saying, that, as I have not consciously uttered a sentiment in the spirit of mere party politics, so I trust that my answers to the Secretary will not be encountered in that spirit. If the great and permanent interests of the country should be above the influence of party, so should be the discussions which involve them. It ought not to be, it cannot be, that such questions shall be decided in this House as party questions. The question of the Bank is one of public faith; that of the currency is a question of national prosperity; that of the constitutional control of the Treasury is a question of national existence. It is impossible that such momentous interests shall be tried and determined by those rules and standards which, in things indifferent in themselves, parties usually resort to. They concern our country at home and abroad, now, and to all future time; they concern the cause of freedom every where; and, if they shall be settled under the influence of any considerations but justice and patriotism—sacred justice and enlightened patriotism—the dejected friends of freedom dispersed throughout the earth, the patriots of this land, and the patriots of all lands, must finally surrender their extinguished hopes to the bitter conviction that the *SPRIT OF PARTY* is a more deadly foe to free institutions than the *SPRIT OF DESOTISM*.

Statement of the Girard Bank, from a Weekly Statement, recently submitted to the Senate of the U. States, and published by order of that body.

GIRARD BANK.

Bills Discounted	Dec. 14, 1833.	Feb. 5, 1834.
Do. Discounted Domestic Bills of Exchange	2,519,064 69	2,267,006 97
Do. Receivable	562,335 99	388,594 60
Do. due and unpaid	1,120 85	1,120 85
Due from Bank United States	00	32,498 00
Due from other City Banks	35,647 35	40,913 80
Due from foreign Banks	72,692 88	141,287 21
Bonus for Charter, payable to State of Pennsylvania	16,000 00	16,000 00
Expenses	1,328 46	6,117 14
Specie	380,525 81	270,068 42
Gold Bullion	00	9,07 67
City Bank Notes	212,328 84	551,127 30
Foreign Bank Notes	40,550 00	22,000 00
	3,841,594 87	3,738,116 96
Capital stock	Dec. 14, 1833.	Feb. 5, 1834.
Discount Account	1,500,000 00	1,500,000 00
Domestic Exchange Account	20,781 08	32,332 39
Foreign Exchange Account	2,330 75	2,615 40
Due to Bank United States	8,632 90	8,632 90
Due to other City Banks	52,888 15	26,516 47
Due to Foreign Banks	31,306 34	168,243 18
Contingent fund	263,346 39	23,353 18
Dividend No. 1, unclaimed	23,353 18	310 50
Dividend No. 2, unclaimed	378 00	1,533 30
Profit and Loss	2,815 75	35 07
N. M. Rothschild, London	403,975 00	329,165 00
Treasurer of the United States	111,111 09	66,666 65
Public Officers	1,177,875 84	1,345,230 82
Individual Depositors	67,253 69	36,424 74
	3,841,594 87	3,738,116 96

PROSECUTIONS FOR MURDER.

Abstract of the Returns made by the Clerks of the Courts of Oyer and Terminer, in compliance with the following resolution, passed Dec. 10.

Resolved that the Clerks of the Courts of Oyer and Terminer of the several Counties of this Commonwealth, be instructed to report to this House, at as early a day as possible, the number of prosecutions for Homicide; the number of cases in which the Grand Juries have found bill; the number in which they have not found bills; the number of acquittals, or of convictions for Murder in the first degree, or in the second degree, or of Manslaughter, that have occurred in their several Courts, annually, for the last ten years.

Read in the House of Representatives, Jan. 29, 1834.

COUNTIES.

	No. of prosecutions for homicide.	No. of cases which grand juries found bills.	No. of cases which G. J. J. G. J. have not found bills.	No. of acquittals of murder in the 1st degree.	No. of acquittals of murder in the 2d degree.	No. of convictions of murder in the 1st degree.	No. of convictions of murder in the 2d degree.	No. of convictions for manslaughter.	No. of acquittals for manslaughter.
Adams	2	11	1	0	0	0	0	1	0
Allegheny	1	11	1	0	0	0	0	0	0
Armstrong	2	2	1	0	0	0	0	0	0
Bradford	1	1	0	0	0	0	0	0	0
Beaver	2	0	0	0	0	0	0	0	0
Bedford	4	4	0	0	0	0	0	0	0
Berks	7	8	1	0	0	0	0	0	0
Bucks	8	8	0	0	0	0	0	0	0
Butler	2	2	0	0	0	0	0	0	0
Cambria	0	0	0	0	0	0	0	0	0
Centre	5	3	2	0	0	0	0	0	0
Chester	9	8	1	0	0	0	0	0	0
Clearfield	0	0	0	0	0	0	0	0	0
Columbia	3	2	1	0	0	0	0	0	0
Crawford	18	2	16	0	0	0	0	0	0
Cumberland	5	5	1	0	0	0	0	0	0
Dauphin	11	11	0	0	0	0	0	0	0
Delaware	6	6	0	0	0	0	0	0	0
Erie	23	23	0	0	0	0	0	0	0
Fayette	10	8	2	0	0	0	0	0	0
Franklin	6	6	0	0	0	0	0	0	0
Greene	2	2	0	0	0	0	0	0	0
Huntingdon	15	14	1	0	0	0	0	0	0
Indiana	4	3	1	0	0	0	0	0	0
Jefferson	1	1	0	0	0	0	0	0	0
Juniata	1	1	0	0	0	0	0	0	0
Lancaster	17	17	0	0	0	0	0	0	0
Lebanon	3	3	0	0	0	0	0	0	0
Lehigh	4	3	1	0	0	0	0	0	0
Luzerne	6	5	1	0	0	0	0	0	0
Lycoming	2	2	0	0	0	0	0	0	0
Mercer	0	0	0	0	0	0	0	0	0
Mifflin	13	13	0	0	0	0	0	0	0
M'Kean	0	0	0	0	0	0	0	0	0
Montgomery	6	6	0	0	0	0	0	0	0
Northampton	6	4	2	1	0	1	2	0	1
Northumberland	1	0	1	0	0	0	0	0	0
Perry	5	5	0	0	0	0	0	0	0
Philadelphia	33	20	13	6	0	0	5	1	8
Pike	0	0	0	0	0	0	0	0	0
Potter	0	0	0	0	0	0	0	0	0
Schuylkill	10	10	4	0	0	0	0	0	0
Somerset	2	1	1	0	0	0	0	0	0
Susquehanna	2	2	0	1	0	1	0	0	0
Tioga	1	1	0	1	0	0	0	0	0
Union	2	2	0	1	0	0	0	1	1
Venango	1	1	0	0	0	1	0	0	0
Warren	2	1	1	0	1	0	0	0	0
Washington	10	7	3	5	0	1	0	1	0
Wayne	4	3	1	1	0	1	0	0	1
Westmoreland	10	10	0	3	0	1	1	6	0
York	3	3	0	1	0	0	0	2	0
	280	229	56	113	9	17	49	29	21

* 1 absconded.

† 6 broke jail.

REPORT OF THE CONTROLLERS OF THE PUBLIC SCHOOLS.

Sixteenth Annual Report of the Controllers of the Public Schools for the city and county of Philadelphia, composing the first school district of the State of Pennsylvania: with their accounts.

The Controllers of the Public Schools of the city and county of Philadelphia, composing the First School District of Pennsylvania, in compliance with the requisitions of the Act of Assembly, present their Sixteenth Annual Report of "the amount of Expenditure, and the number of children educated in their Schools."

The Lancasterian Schools of the First District now have on their rolls. (as appears by the semi-annual returns from the several sections, duly vouched,) *six thousand seven hundred and sixty-seven* pupils—of which number three thousand seven hundred and thirteen are boys, and three thousand and fifty-four are girls.

The annexed statement will show the distribution into the various Schools, viz:—

	Boys.	Girls.	Total.
Model School,	242	182	424
Model Infant School,	95	85	180
<i>First Section.</i>			
Locust street,	283	202	485
North-Western,	255	241	496
South-Western,	143	87	230
*South-Eastern, (new School.)	212	167	379
Lombard street, (coloured,)	198	292	490
<i>Second Section.</i>			
Northern Liberties,	329	322	651
Do. coloured School,	69	35	104
†Coates street,	174		174
<i>Third Section.</i>			
Southwark,	386	368	754
Second street,	177		177
<i>Fourth Section.</i>			
Penn Township School,	288	246	534
<i>Sixth Section.</i>			
Germantown,	99	76	175
<i>Ninth Section.</i>			
Moyamensing,	200	252	452
<i>Tenth Section.</i>			
Marlboro' street,	258	213	471
Master street,	305	286	591
Total,	3713	3054	6767

In the Fourth, Fifth, part of Sixth, the Seventh and Eighth Sections, where Lancasterian Schools do not exist, and are not adapted to the scattered population, the School Directors have, during the same period, placed in the Schools adjacent to the residence of the parents and pupils, one thousand ninety-eight children, making with those above enumerated, *seven thousand eight hundred and sixty-five*, instructed at the general expense, since the report of last year. The aggregate number of children enrolled in the public schools of this District, since the adoption of the present laws, will thus be found, by reference to the former returns of this Board, to exceed *FIFTY-FIVE THOUSAND*, all of whom have received the benefits of this practical and successful mode of instruction, and enjoyed full opportunity for acquiring the rudiments of useful learning and imbibing the purest principles of Christian morals.

The regular expenditure of the Board during the year 1833, for the maintenance and conducting of the Lancasterian and other Schools of the District (including the new schools) does not essentially vary from that of the preceding season; but the total is largely increased by payments on the completion and furnishing of the three new brick School Houses, mentioned in the last

annual report, and the erection of an additional one in the city, all of which are now in full operation and numerously attended.

In pursuance of authority granted by this Board, the Directors of the First (City) Section, during the past season, have obtained a lot and erected a commodious and excellent brick School House in Front street below Pine, intended to supply the want of such an establishment so long and severely felt on the eastern front of the city. This has been recently completed. Although but three weeks have elapsed since it was opened for the reception of pupils, it now counts near four hundred children in attendance, and gives the fullest promise of a numerous and improving School.

From the extended accommodations thus provided, the Controllers are led to hope that it will not be requisite to incur further expense during the coming season in the purchase of ground or construction of school houses. The natural growth of the population, however, and the greater desire for education, which they earnestly strive to excite in the minds of both parents and children, will not allow any long pause in multiplying edifices and supplying materials for the prosecution of this great and indispensable work.

The experimental Infant School established by the Controllers in a portion of the Chester street School House has been enlarged during the summer, and the results obtained are highly satisfactory. It has exhibited, under the direction of its accomplished teacher, a constant and rapid improvement in the children, and at the same time has furnished an admirable Seminary for the instruction of Infant School Teachers, numbers of whom have regularly devoted their time to the acquirement of practical skill in conducting these Schools, and are believed in several instances, to be now competent to take charge of similar establishments.

With a view to prepare for a full and efficient connection of a series of Infant Schools with the other Public Schools, the Controllers have recommended the addition of one large room to each of the new buildings mentioned above, in Race street, in Moyamensing, in Kensington, and in Front street. These rooms are finished, and in all respects well adapted to the purpose. They are about 40 by 75 or 80 feet, and will furnish ample accommodation for three hundred pupils in each, if so many can be profitably taught in the same apartment. Schools have been ordered, and will be organized in each of these four buildings as soon as the fixtures, &c. can be arranged.

The annexed returns, duly certified by the Accounting Officers of the county, show that the orders of this Board on the treasury during the past year, amounted to the sum of seventy-four thousand one hundred and seventy dollars and forty-one cents—of which sum, Lancasterian Schools are charged with the sum of twenty-three thousand one hundred and twenty-four dollars and seventy cents—Schools not on Lancasterian plan, with ten thousand one hundred and twenty-seven dollars and twenty cents—School furniture, with two hundred and ninety-eight dollars and twenty-seven cents—and Real Estate, (which remains to the credit of the county) with forty-thousand six hundred and twenty dollars and twenty-four cents.

An immunity, almost entire, from pestilential or epidemic disease, has been enjoyed throughout the First School District during the past year. The unusual portion of health bestowed has permitted an uninterrupted prosecution of the School exercises, a blessing which calls for grateful and fervent acknowledgments to Divine Providence from our community at large, but most signally from those to whose guardianship is entrusted the welfare, physical and moral, of so many thousands of youthful pupils.

In their periodical visitations to the various Schools, the Controllers have found them, almost without exception, in satisfactory order and cleanliness—under efficient instruction, and management, and furnishing, in

* Opened 4th February, 1834.

† Opened July 16th, 1833, when 118 boys were transferred from the Northern Liberties School.

the acquirements of the children, competent evidence of improvement on the part of the scholars, and of fidelity and zeal on that of the teachers. The system works well in practice, and certainly continues to afford in its present results, as well as in its capacity for unlimited extension, the most cheering prospects to the friends of public education.

In presenting this brief outline of proceedings in the sixteenth year of their labours in a branch of public service of incalculable importance, the Controllers again beg permission most earnestly to solicit the attention, influence, and active co-operation of their fellow citizens in the promotion of this great work. It is one to which every individual may effectually contribute by advice, exhortation, authority, and explanation afforded to the proper subjects for these establishments. It is to *sound, practical CHRISTIAN EDUCATION* that we must look for improved morals, judicious industry, for the maintenance of truth, order, and justice, for the intelligent assertion and manly support of those principles upon which alone our free and happy institutions can be preserved from destruction. This is a work which every friend of man—every lover of his country and of freedom, ought to lend his most zealous and unwearied efforts to promote—it is one in which combined effort is demanded, and in which the united strength of the philanthropist, the patriot, the Christian—of the good and the wise, will be sustained by Divine aid, and ultimately crowned with universal and triumphant success.

On behalf of the Controllers,
THOMAS DUNLAP, President.
Attest—CHARLET PETTIT, Secretary.
Chamber of the Controllers,
February 24, 1834.

No. 1.
General Statement.

The Auditors of the County report, that there was a balance in favour of the Controllers of public schools, in the hands of the Treasurer of Philadelphia County, on the first day of January, 1833, amounting to \$5,266 38

Amount received by the Treasurer for account of the School Fund during the year 1833, viz.	
For amount of 20 per cent. on \$106,629 20	
County Taxes of 1832,	21,325 84
Do. 30 per cent. on \$111,526 37½, do for 1833,	33,457 91
Total amount received,	\$60,050 13

Expenditures of 1833.

By amount of orders drawn on the Treasurer, per account of schools on the Lancasterian system, in the year 1833, per Statement No. 2.	\$23,124 70
Do. on account of School not on above system, do.	10,127 20
Do. for account of School Furniture, as per No. 2,	298 27
Do. for account of Real Estate, No. 2.	40,620 24
Amount for account of Schools and Real Estate,	\$74,170 41
Deduct for order No. 501, not presented for payment,	14 84
Total,	\$74,155 57

Balance of cash in the hands of Treasurer, on 1st of January, 1834,	1,955 44
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Amount of orders drawn by former controllers, and paid in 1833.	16 59
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NOTE.—The delay and deficiencies in the receipt of the School Fund, rendered a recourse to loans necessary, and under the powers conferred by law, the Controllers borrowed and paid to County Treasurer, during 1833, the sum of \$31,135 31, of which amount, \$14,500 00 has been re-paid to the lenders—\$16,635 31 remains to be paid in the coming year, 1834.

Statement No. 2.

Details of Expenditures for account of Public Schools on the Lancasterian System

	Real Estate	School Furniture.	School Expenses.	Total
For account of Model School		37 00	2,027 29	2,064 29
For First Section,	22,207 74	77 00	7,153 68	29,438 42
For Second do.	322 24	29 51	2,534 73	2,886 48
For Third do.	295 65	30 62	2,582 68	2,908 95
For Fourth do.	143 78	100 14	1,607 40	1,851 32
For Ninth do.	7,795 27		1,814 65	9,609 92
For Tenth do.	9,855 56	24 00	2,617 23	12,496 79
For General expenditures, to the Controllers, Model and Sectional Schools, to wit—for books, paper, and other stationary, printing, and advertising, maps, premiums, infant schools, stone coal, salary to Secretary, county Auditors, interest, and incidental expenses,			2,787 04	2,787 04
	\$40,620 24	298 27	23,124 70	64,043 21

Schools not on the Lancasterian System.

For amount of Fourth Section outer District,	1,338 22	
Do. do. Fifth do.	1,494 95	
Do. do. Sixth do.	2,701 50	
Do. do. Seventh do.	1,965 23	
Do. do. Eighth do.	588 74	
Do. do. Tenth do.	2,038 57	10,127 41
Total expenditures for 1833,	\$74,170 41	

Controllers of the Public Schools for 1834.

PRESIDENT

1. Thomas Dunlap.

- | | |
|-----------------------------------|-------------------------|
| 2. T. G. Hollingsworth, | 8. Jonathan Thomas, |
| 3. Charles E. Cathrall, | 9. Joseph Bockius, |
| 4. George M. Wharton, | 10. Evan W. Thomas, jr. |
| 5. George M. Justice, | 11. Jacob J. Snyder, |
| 6. John Oakford, | 12. Charles Norris. |
| 7. Morton M ^c Michael, | |

Secretary—Charles Pettit.

From the Harrisburg Reporter.

PENNSYLVANIA BANKS.

As the Governor has recommended to the Legislature to pass a law obliging the State Banks to loan to the Commonwealth one-fifth of the capital stock paid in, according to a provision in their charter, we have inserted the following table, showing in the first column the capital stock of each Bank paid in; in the second, the amount which each Bank would be required to loan to the State; and in the third, the sum which the Commonwealth now owes to the several Banks.

BANKS IN THE CITY AND COUNTY OF PHILADELPHIA.

	Capital stock.	5 per ct. pledged to State.	Already loaned.
Bank of Pennsylvania	2,500,000	not lia.	00
Philadelphia	1,800,000	90,000	50,000
Farmers' and Mechanics'	1,250,000	62,500	00
North America	1,000,000	50,000	20,000*
Girard	1,500,000	75,000	25,000*
Commercial	1,000,000	50,000	25,000*
Schuylkill	981,145	49,557	25,000*
Mechanics	700,000	35,000	00
Western	408,470	20,423	00
Southwark	250,000	12,500	00
Penn Township	249,720	12,486	00
Northern Liberties	246,850	12,342	10,000*
Manufacturers and Mechanics	237,665	11,893	00
Kensington	199,500	6,975	00
Moyamensing	125,000	6,250	00
Germantown	152,500	7,625	00
		\$502,521	

COUNTRY BANKS.

Farmers' Bank of Bucks County	60,000	3,000	00
Doylestown	30,000	1,500	00
Northampton	124,640	6,233	00
Easton	298,770	14,938	52,000*
Wyoming	58,135	2,906	00
Northumberland	100,000	5,000	00
Pottsville	199,870	9,993	00
Reading	300,360	15,018	00
Montgomery County	133,650	6,682	60,000
Delaware County	104,350	5,217	00
Chester County	210,000	10,500	00
Farmers', Lancaster	400,000	20,000	25,000
Lancaster	139,102	6,955	16,000*
Columbia Bridge Company	395,000	19,750	00
Lebanon	58,615	2,930	00
Middletown	75,195	3,759	00
Harrisburg	158,525	7,926	50,000
York	168,720	8,436	30,000*
Carlisle	203,475	10,173	00
Gettysburg	122,333	6,116	00
Chambersburg	257,032	12,851	00
Pittsburg	568,565	28,428	85,000†
Merchants' and Manufacturers', Pittsburg	174,845	8,742	00
Monongahela	107,271	5,363	00
Erie	25,640	1,282	00
Total Country Banks	\$223,687	\$440,000	
Total City Bank	502,521	225,000*	
Total amount of 5 per cent. Deduct loan of 1829	\$726,208	\$215,000	
	202,500		
Available	\$523,708		

* Of the late temporary loan by the liable banks.

† Of this sum \$30,000 is of the late loan.

The Bank of Pennsylvania is not liable to be called upon, and we do not know but one or two others are. If the Easton bank, the Harrisburg bank, the bank of Montgomery county, and the Farmers bank of Lancaster, are not liable to be called upon on account of loans which they have already made to the State, then the sum of \$49,716 is to be deducted from the \$523,708, leaving \$473,992, the sum which the State can realize by the passage of a law to compel the State Banks to loan to the Commonwealth 5 per cent. on their capital stock.

There will be still a further deduction if some of the other Banks are not obliged by their charters to loan 5 per cent.

Since the above was in type, we have ascertained that the following banks are exempted. They complied with the requisition of their charters by taking the following forced loan, per act of 7th December, 1829.

Philadelphia Bank	\$90,000
Farmers' and Mechanics' Bank	62,500
Bank of North America	50,000
	<u>\$202,500</u>

GIRARD BANK.

STOCKHOLDER'S MEETING.

The following is submitted as the result of the legal opinion of John M. Scott, and Joseph R. Ingersoll, Esquires, upon the various points it embraces, for the government of the Stockholders of the Girard Bank, at their special meeting on Monday, the 17th inst. called by themselves under a provision of the charter, "in relation to the Government Deposits, and other business connected with that institution."

1. Upon any question submitted to or pending before a meeting of the Stockholders, each Stockholder present is entitled to one and only one vote, whatever may be the number of shares he holds, and no stock can be voted by proxy.

3. All persons holding stock at the time of the meeting will be entitled to vote, no matter how recently they may have become possessors of it.

3. The action of such meeting, so far as it is intended to have a legal operation upon the Board of Directors, must be confined to the subject specially set forth in the call. Consequently the only subject upon which the Stockholders of the Girard Bank can act, with this view, at their meeting of the 17th inst. is that of the Government Deposits.

4. The right to vote at such meeting belongs exclusively to the persons in whose names the stock stands on the books of the Bank, whether owned or held as security for money loaned, by the persons in whose names it stands.

5. Any action or resolution, will be valid, if within the terms of the call, which may be adopted by a majority of the Stockholders voting at such meeting without regard to the amount of stock which may be held by such majority in a case like the present.

6. The Directors are not bound to obey instructions from the Stockholders, nor can any action of the Board of Directors, properly taken in reference to the management of the institution, be controlled or impaired by the wishes of the Stockholders however expressed. The directors have authority, if they are willing to incur the weight of the moral responsibility, to act upon their own views though in opposition to those of the Stockholders.

Published by order of the Board of Directors.

WM. D. LEWIS, Cashier.

Girard Bank, March 13, 1834.

REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 12. PHILADELPHIA, MARCH 22, 1834. NO. 324.

REPORT ON THE CURRENCY OF THE STATE.

Report of the committee of Ways and Means of the Legislature of Pennsylvania, on the Currency and Finances of the State:—MR. KEATING, Chairman.

Read in the House of Representatives, March 1, 1834.

The committee of Ways and Means, to whom were referred

1st. So much of the Governor's message of the 4th of December last, as relates to the finances of the Commonwealth:

2d and 3d. The messages from the Governor of the 21st of January and of the 26th of February, and who

4th. By a resolution of the House of Representatives, passed on the 20th of December last, were "directed to inquire into the present state of the currency, and its probable effects upon the credit of this Commonwealth; and also to inquire how far the public interests might be promoted by the continuation of the operations of the Bank of the United States under a charter from this Commonwealth, should its present charter not be renewed by the United States," REPORT:

That they have devoted to the subjects referred to them all the care and reflection consistent with the time which has elapsed since they were committed to them.

From the first moment of their investigation, they were alarmed at the contemplation of the very serious crisis, which, it became apparent to them, our financial concerns were approaching.

The condition of our money market had materially changed in a short time, and the effects of this change were already sensibly felt in every branch of trade and industry. A personal visit to our commercial metropolis, and a careful scrutiny into the various facts and statements which were communicated to them, have led them to the conclusion, that the pressure upon our community is at this moment alarmingly great; exceeding any which has befallen it within the memory of those among us, who have not far advanced beyond the meridian of life. The committee are aware that the existence of this pressure has been denied by light and unreflecting persons, and considered doubtful by others of graver character; but they believe that no one having any respect for his reputation, who has carefully inquired into it, will at this time be hardy enough to deny its reality. Lest, however, the committee should be supposed to have erroneously or hastily admitted it, they proceed briefly to state some of the evidences of it, which have come under their personal knowledge.

Of these, perhaps, no safer test exists, than that which is furnished by the stock exchange. This exhibits a decline of from ten to thirty per cent. in the value of stocks; affecting all of them more or less, and leaving none untouched. Even those favorite investments, which are deemed free from all chance of losses, or from vicissitudes in their dividends, have undergone great depressions; as we shall have occasion hereafter to show.

Next to these, the rate of exchange on England may be considered as a safe test of the relative state of the money markets of London and the United States. At this moment, when the value of the silver dollar is in England 4s. 10d. (by the latest advices) exchange on England has been sold as low as from 98 to 100. On the

12th of February, 98½ was the price paid in New York. It is lower than any paid for more than thirteen years past. The committee are advised, that since 1820, the rate of exchange has never been below three per cent. advance. In 1820 it ranged from par to 3½ per cent. premium; at present it is 2 per cent. below par. The following table, (which we believe to be accurate,) exhibits the fluctuations of exchange during a lapse of years—

Rates of exchange on London from 1821 to 1833, inclusive; exhibiting the lowest cash price on any packet day in each month for prime bills. The highest price, during the time, was 14 per cent. in February, 1832.

	Jan.	Feb.	March.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1821	3	4½	6	7½	7½	8½	8½	8½	8½	9½	9½	11½
1822	12	13½	12½	13	9	5½	9	10	10½	12½	12½	12½
1823	11	10	8	8½	4	5	4½	6	6½	7½	7½	7½
1824	7	8	8½	8	5	8½	8½	8½	9½	9½	9½	9½
1825	9	8	8½	9	8	10	10	10	11	11½	11½	12
1826	10	10	7½	9	10	10	9½	10	11	11½	11½	11
1827	10	10	10	10	10	10	10	10	11	11	11	11
1828	10½	10½	10½	10½	10½	10½	10½	10½	10½	10½	10½	10½
1829	8	8	8	8	8	8	8	8	8	8	8	8
1830	8	8	8	8	8	8	8	8	8	8	8	8
1831	6	6	6	6	6	6	6	6	6	6	6	6
1832	9	9	9	9	9	9	9	9	9	9	9	9
1833	8	7	7	7	7	7	7	7	7	7	7	7

These rates are however merely nominal ones. Assuming the value of the Spanish dollar, as it now is in the English market, and deducting the expenses of importation, including loss of interest and insurance, we conclude, that a merchant now purchasing a bill at 98½ per cent. and remitting it to England and receiving his returns in Spanish dollars, would obtain a clear profit of about 5 to 5½ per cent. This fact alone evinces the value of money in our market and proves the great sacrifice under which those, who have funds in England, are disposed to draw them; and the little anxiety there is on the part of the European capitalist to remit his funds to this country; a result the more striking, as the latest advices from England establish the fact of the great abundance of money there; as is shown by the loan lately concluded by the Messrs. Rothschild for two millions

sterling, nearly ten millions of dollars, at the rate of two and a half per cent. per annum.

Another evidence of the pressure is found in the extravagant prices which are now paid for the discount of notes; and which the committee are assured has of late been not less than from $1\frac{1}{2}$ to 2 per cent. per month, for the very best paper in the market, and which has risen even to 3 per cent. in many cases, where the security of the reimbursement of the debt was unquestionable.

A still more painful proof is exhibited in the number of heavy failures, which have lately occurred both in Philadelphia and New York. In the latter city there have been not less than fifty failures; and in most cases, we observe them among men of high standing and of unquestionable character—men also possessed of undoubted fortunes, but whose credit is impaired in these days, not by an actual surplus of their debits over their credits, but by the impossibility of making the latter immediately available to meet the former.

The actual dearth of means has broken up many of our manufacturing establishments; and compelled large manufacturers, (the names of whom are before the committee,) either to curtail in part their operations, or in some cases to stop them altogether.

Comparing this state of the country with the prosperity which prevailed at this time last year, the investigation becomes both painful as to the present, and alarming as to the future.

In his annual message to the Legislature, at the commencement of the last session, the Governor of the State depicted the prosperity of the country in terms, which, however true then, it might be deemed mockery at this time of distress, to cite. In the able report submitted to the House by the chairman of the committee of Ways and Means, on the 22d of March last, he congratulated "the House upon the unexampled prosperity of our financial condition, as demonstrated by the fact that the requisite loans are obtained at a higher premium than has ever been received by the similar operations of any state or country."

In like manner the committee on Banks in their report of January 31, 1833, did "not hesitate to congratulate the Commonwealth on the possession of a currency, which unites all the requisites of a perfect circulating medium, consisting entirely of the precious metals and Bank notes convertible into them."

This state of prosperity seems to have been very slightly impaired during the last winter, as the Governor announced to this Legislature at the opening of the

present session, that "The loan of \$3,240,661 44 authorized by the act of the 16th of February last, (1833,) after the usual notice, had been taken by Dr. Jesse R. Burden; he agreeing to pay \$113 51 in money for every \$100 in stock, bearing an interest of five per cent. per annum; and that of 530,000, directed to be made by the act of the 27th of March last, was taken, after similar notice, by Messrs. S. & M. Allen, of the City of Philadelphia, at \$114 in money for every \$100 in stock, bearing a like interest, they having previously become possessed of the first mentioned loan, by transfer from the original holder."

The hopes then entertained were not realized; and the Governor's Message of January 21, 1834, has presented to the Legislature, and to the people, the new, and (it is believed) unparalleled instance in our history, of the failure of a contractor for our loans to meet his engagements with the Commonwealth. The fact of the inability of the Messrs. Allens to pay the remaining instalments of the loan, to the amount (including premium) of \$827,890 22, and the subsequent failure of this respectable house (at a time when, from careful examination it appears, that after full allowances for all losses upon Pennsylvania and other stocks, their net available assets exceed the total liabilities of their concerns, by a sum of more than five hundred thousand dollars,) are among the awful evidences of the very sudden catastrophes which may affect the financial concerns of a commercial country, by ill advised or injudicious measures on the part of its rulers; and the committee cannot refrain from expressing their opinion that a due sense of morality revolts at the idea of the evils, entailed upon faithful and enterprising citizens, by the adoption of measures of government, equally unforeseen and unequalled for.

It is true, that at the time when Dr. Burden effected his loan there were many, who predicted the dangers to which the currency of the country might be exposed in the course of a twelvemonth; and hence by some it was deemed a hazardous undertaking for those who had not previously made preparations for the diffusion of the stock abroad, to venture so deeply into a speculation, which all cautious men considered as made on terms more advantageous to the Commonwealth, than desirable to the contractor.

Comparing the prices of the Philadelphia and New York stock markets at various periods of the years 1833 and 1834, as exhibited by actual sales reported by brokers, we observe the following depressions:

TABLE of actual sales of stocks in Philadelphia and New York, from February, 1833, to February 1834.

STOCKS.	Par	Feb.	Mar.	April.	May.	June.	July.	August.	September.
Pa. 5 pr. cts due 1841	100			106		106	105½	109½	
" " " 1853	"	113			112	112½			112
" " " 1854	"	113½	112½	113		112		112½	112½ to 116½
" " " 1858	"	116		114	114½			116½	
Bank of the U. S.	"	104	109	110 to 112½	111½ to 113	112½ to 114	112½ to 109	111½ to 113½	110 to 107½
" of Pennsylvania	400	549			552			548	
" Philadelphia	100	114			117½	115½		116½	117
" Commercial	50	65				68	67½	69½	69
" Farm. & Mecha	"	68½	68½	70	71	68½	68½	69½	70½
" Mechanics	35	52½	52½	53½		55	54	58	
" Girard	50	59½	60	61½		60	59½	61	61½ to 67½
" Western	"	63	63	64½	65	64	64	64 to 56	55
N. Orleans Canal Bk	100			118		119	113½	114½	114
" City	"			113				115	114½ to 111
Schuyl. Naviga. Co.	50	107	115	117½ to 129	125	127½	124 to 126½	125 to 118½	120
Delaw. & Hud. Canal	100								
N. Cast. & F. T. R. R.	25			42½ to 43½	43	37½ to 39½	40 to 38½	38½ to 40½	40
Camd. & Amb. R. R.	100		148	155	160	147½ to 140	138	138	139
Mohawk	"								
Saratoga	"								

(Table continued on opposite page.)

TABLE—Continued.

STOCKS.	October.	November.	December.	January.	Last Sales known to us.	Dividends.
Pa. 5 per cts. due in 1841			101½		99	February 15 Feb. & Aug.
“ “ 1853		107	104½		100	“ 14 “ “
“ “ 1854	110½ to 108½	107½			100	“ 18 “ “
“ “ 1858					99	“ “ “ “
Bank of the U. States	109 to 107½	107½ to 105½	106½	103	103½	“ 27 Jan. & July.
“ Pennsylvania	532	520	520 to 525		520	“ “ “ “
“ Philadelphia	120 to 119	115	113½		109½	“ 25 May & Nov.
“ Commercial		68 to 65	60		60	“ 21 “ “
“ Farm. & Mechan.	69½ to 72	67½			62	“ 18 “ “
“ Mechanics	57½	54	52		46	“ 21 “ “
“ Girard	67 to 69½	64 to 60½	67½ to 54		55½	“ 27 “ “
“ Western	57½	57	59	52	51	“ “ “ “
N. Orleans Canal Bank	114½ to 112	111	107½	97 to 94	95	“ 25 June & Dec.
“ City	112 to 114½		105½	97 to 96½	99	“ “ March & Sep.
Schuyl. Navigation Co.	115	112½	110 to 98	102½	94	“ 22 Feb. & Aug.
Delaw. & Hudson Canal	123 to 121½		99½ to 91	76 to 68½	76	“ 25 June & Dec.
N. Castle & F. T. Rl. Rd.	38½ to 39½	38	40½		34½	“ “ Jan. & July.
Camd. & Amb. Rail Road			125		121	“ 27 “ “
Mohawk	114½ to 117			90 to 82½	87 to 87½	“ 14 “ “
Saratoga	109 to 112			95 to 90	90 to 90½	“ “ “ “

This pressure appears to be neither limited in its extent, nor local in its character. The memorials presented to Congress by immense meetings of citizens of Massachusetts, New York, New Jersey, North Carolina, Georgia and other States are conclusive evidences, that the same evils are felt at a distance. The presses of almost all our Western and Southern States, have, without distinction of party, admitted its existence.

In our own Commonwealth large meetings have been held in distant sections of our country, and the unparalleled number of signatures attached to the memorials from the cities of Philadelphia, and Pittsburg, and from the counties of Berks, Northampton, Schuylkill, Chester, Lancaster, &c. are among the painful evidences of severe and heart-rending distress.

In proceeding to inquire into the sources of it, we readily discover, that no ordinary cause could have produced so sudden and so general a prostration, as that which we witness. The change in the prices of our stocks has been too rapid to be the result of any but extraordinary causes.

In comparing the prices obtained in 1832 and 1833, we observe a diminution in the latter of about one and one-third per cent.; while in 1834, no proposals whatever have yet been obtained, and even a small temporary loan has been with difficulty negotiated. The slight depression, which was felt last winter appears to have increased in August and September, from which moment it has been uninterruptedly felt, and has been accompanied by a pressure in the money market, which seems to reach at this moment a point almost unknown in our country.

And yet, during this time, no physical convulsions, no revolutions or disturbances at home, or abroad, have occurred to produce it; our foreign commerce has met with no serious or unforeseen losses. The whole world is at peace; no belligerent powers have again ventured to question our rights of neutrality. At home, the last twelve months were marked by an unusual degree of health. Our crops both in 1832 and 1833, were fair averages; the value in foreign markets of our staples has been such as to encourage our industry. The rise in the price of cotton in Europe is calculated to benefit the whole country. With so many sources of wealth and happiness around us, it must be our own fault, the result of misrule and misgovernment, if the country be so much depressed.

From the table previously inserted, we have selected the stock of the Schuylkill Navigation Company as a fair standard of the condition of the money exchange; because it is one of established and accredited value in

the Philadelphia market. The works of that company are altogether within our State; and subject to our exclusive Legislation. They have been several years in successful operation. Their profits depend upon a large and inexhaustible trade; the returns of which, being published weekly, keep up public confidence, by removing any uncertainty or doubt as to the condition of the works, or as to the extent of their usefulness. In the ordinary course of events, this stock is now relieved from all the usual contingencies of new and untried schemes. The trade upon that canal can at no time materially decline; it must on the contrary gradually increase until it shall attain the maximum of which the capacity of the works will admit; and the dividends, far from being materially depressed, must continue to increase until they shall reach the maximum permitted by law.

The prices of this stock are therefore a fair test of the condition of the money market.

They have varied as follows:

In 1833, in June it sold for \$	127½	for \$50 paid.
July	124	126½
August	118½	125
September		120
October		115
November		112½
December	110	98
“ 1834 “ January		102½
February	92½	94

The dividends made for the last two years were as follows.

In August	1832	5 per cent.
February	1833	5
August	“	6
February	1834	5

That the depression since July last was not occasioned by a diminution in the business of the company will appear from the following statement, for which we are indebted to its officers.

The receipts from tolls by the Schuylkill Navigation Company, were in 1833—

In April	34,740 22	July	45,842 18
May	41,584 91	August	38,635 17
June	42,214 30	Sept.	47,523 04
\$118,539 43		\$132,000 39	

Thus showing an increase of business in the 2d quarter over that of the 1st quarter, of the summer operations.

With all these facts known to the public, the stock,

which at this time last year sold for about \$122, and which in June last sold at \$127½, is now worth only from \$92½ to \$94.

These changes have by some persons been ascribed to an actual scarcity of money in the country. This the committee do not admit to be the case. Money, that is to say, specie, is perhaps as abundant now in the United States, as almost at any former time: certainly more so than it was at this time last year.

The returns of the Bank of the United States shew, that its specie on the 1st of January, 1833, was

Do. do. 1834, do.	8,951,847 60
	10,031,237 72

Exhibiting an increase of \$1,079,390 12

In the Pennsylvania State Banks the specie was

On the 3d of November, 1832	2,954,047 44
5th do. 1833	2,909,105 66

Having fallen off only \$44,941 78

In the State Banks of the State of New York, the specie in the Safety Fund Banks was

In 58 Banks, on the 1st of Jan 1833	\$1,792,392 81
66 do. 1st of Jan. 1834	2,196,957 79

Having in the Banks subject to that fund an increased quantity of specie of* \$404,564 98

The annual importations and exportations of specie into and from the United States, are certified by the Register of the Treasury, to be, for the year ending Sept. 30, 1833.

	Gold.	Silver.	Total.
Importations	\$335,118	4,147,386	4,482,504
Exportations	472,791	1,291,299	1,764,090

Excess of importations over exportations \$2,718,414

Taking a lapse of several years we find the importations and exportations of gold and silver Bullion and specie for five years from 1828 to 1832, both inclusive, as follows:

	Importations.	
Gold Bullion	563,767	
" Specie	3,571,029	
Silver Bullion	3,774,512	
" Specie	28,393,512	
		36,302,820

	Exportations.	
U. S. Gold and Silver coin	5,704,483	
Foreign do. do.	23,486,524	
" Bullion	818,955	
		30,009,962

Excess of importations over exportations \$6,292,858

[Extract from Wallenstein's and Vansand's tables, quoted at second hand.]

Taking the returns of the U. S. Mint for the coinage of Gold, produced from the gold region of our

* This increased specie does not indicate in those Banks an increased strength as will appear from the following summary of the two last Reports of the New York Bank Commissioners:

	Capital.	Circulation.	Specie.
Jan. 1, 1833,			
In 58 Banks	20,175,800	12,215,926 13	1,792,392 81
Jan. 1, 1834,			
In 68 Banks	22,730,264	15,402,705 54	2,196,957 79
Increase in 1833,	2,544,464	3,186,779 41	404,564 98

Southern States, we find that the coinage was as follows:

The aggregate of 5 years from 1824 to 1828 inclusive	\$109,000
For the year 1829	140,000
1830	466,000
1831	520,000
1832	678,000
1833	868,000

Shewing a coinage of American gold to the amount of \$2,781,000

This coinage, which has been constantly increasing for a few years past, and which there is every reason to believe will continue to increase for many years to come, constitutes, however, but a portion of the gold obtained from that region; in the opinion of the experienced director of our Mint, not much exceeding one-half the quantity which it produces.

Whether therefore we consider the returns of specie made by the Bank of the United States, by our State Banks, and by the Banks of the State of New York, or the returns of the Register of the Treasury as to the Importations and Exportations of last year; or the tables for several years past, which were published by careful compilers, or the produce and coinage of gold from our mines for a term of years, we will have no reason to doubt, that specie is at this moment as abundant, if not more so, than it was last year, and probably more so, than it has been for several years past. A fact well according with the experience of all, who travel extensively through the country; and who have observed, that there is no scarcity of it for the purposes of change, throughout Pennsylvania; except perhaps in some of our remotest counties, distant from any banks, and bordering upon those States, which still permit the issue of bank notes of small denomination.

The true cause of the pressure in the money market is to be found most unquestionably, as the committee believe, in the destruction of all confidence created in the commercial community, by the present alarming state of our affairs. When an entire change of the whole financial arrangements of a country is apparent; when those who wield the power of the Union distinctly avow a determined purpose to make experiments upon the great interests of the country, and to pursue their measures until they shall be satisfied of their inefficacy; however destructive such experiments may be to the pledged faith of the country, however repulsive to the first principles of political science, however opposed to the lessons of experience and history, it can be no matter of surprise, that the whole community should be alarmed; that each individual should endeavor to draw to himself all his resources; and that that mutual confidence and support, which constitute the basis of commercial prosperity and security should instantaneously cease to exist. The results of this want of confidence might be easily foreseen, and experience shows that all have been produced in this case. The circulation of our paper money becomes more contracted, or more dangerous; a panic is created; all private paper transactions are checked; drafts, promissory notes, bills of exchange, (the value of all of which consists in the confidence placed in the solvency and fidelity of the drawers, indorsers, or acceptors,) become worth no more than a blank sheet of paper. The facilities for commercial exchanges (both domestic and foreign) being destroyed, all mercantile transactions are paralysed; and we return suddenly from a high state of trading prosperity to the contracted intercourse of nations that deal exclusively by barter. These results have been apparent in our cities, and their influence must soon be felt all over the country; not a cabin, however humble, can hope to be beyond its reach.—All the floating capital, which of late assisted in any judicious enterprise is now hoarded up with more than miserly care: for who that has, by

hard toil and industry, secured to himself and to those dependent on him, the means of livelihood, will be willing to risk it in schemes liable to be affected by the experiments of those in power? In order to appreciate the extent to which a pressure may be produced by such causes, it is well to bear in mind the ample range given to the term "circulating medium" or "currency" of a country, by Mr. Gallatin, who extends it to "whatever commodity or species of paper may, by law or general consent, be universally received in any country in exchange of every other commodity, and in payment of all debts." That general consent depends, of course, upon general confidence, and ceases as the latter is withdrawn. To what extent this system of credit transactions may ramify, when founded upon a safe basis, we learn from the fact, that while the circulation of the Bank of the United States was, on the 1st of January, 1833, only \$17,459,571 79, the amount of exchanges carried on by means of that bank, in 1832, was no less than \$225,174,647; its exchanges amounting to nearly fifteen times its circulation. The currency of a country resting thus upon general confidence, its issues are expanded or curtailed exactly in the ratio in which that confidence prevails,—hence it is, that while the specie and the circulation (bank notes) of a country may remain unaffected, there may be an abundance or a pressure in the money market.

The committee are aware, that it was asserted at one time, that this pressure was occasioned by a want of confidence in the soundness of the Bank of the United States, and they know, that an attempt was made to impair its usefulness by an imputation upon its solvency. The absurdity of the charge has caused it to recoil upon the weak individuals that circulated it.

The solidity of the bank will appear from the following statements of its resources and liabilities on the 1st of January 1834, and on the 1st of February, 1834, which we may compare with those of the Bank of England on the 1st of January and the 1st of December 1833, as obtained from the latest returns from Europe.

Condition of the Bank of the U. S. and its offices. Jan. 1, 1834.

Bills discounted	\$38,609,069 46	
Domestic bills of Exchange	16,302,392 24	54,911,461 70
Funds in Europe	1,801,669 48	
Due by State Banks	1,536,745 68	
Notes of do.	1,982,640 33	
Specie	10,031,237 72	15,352,293 21
Real estate		2,930,533 80
		\$73,194,288 71
Circulation	\$19,208,379 90	
Deposits,		
Public 4,230,509 63		
Private 6,734,866 06	10,965,375 69	30,173,755 59
Feb. 1, 1834.*		
Bills discounted	\$37,544,252 82	
Due bills of exchange	17,298,720 82	54,842,973 64
Funds in Europe	1,644,415 75	
Due by State Banks	1,386,951 65	
Notes of do. do.	1,824,434 37	
Specie	10,523,385 69	15,379,187 46
Real Estate		2,940,168 51
		\$73,162,329 61
Circulation	19,260,472 90	
Deposits,		
Public 3,066,561 72		
Private 6,715,312 60	9,781,874 32	29,042,347 22

* See statement March 1, on page 184.

Condition of the Bank of England, January 1, 1833:
 Circulation £27,912,000
 Deposits 11,737,000

Total liabilities £39,649,000 Bullion, £8,983,000.

Dec. 3, 1833:

Circulation £18,659,000
 Deposits 12,465,000

Total liabilities £31,074,000 Bullion, £10,134,000

As a further proof of the solidity of the bank, the committee refer to the prices now paid for its stock, which indicate as great a degree of confidence in its security as in that of any other stock in the market. The fluctuations, in the last twelve months, are singularly small,

It was sold in February, 1833, for 104
 And on the 22d of February, 1834, 44 shares were sold at

23d " 1834, 31 " 103½
 26th " 1834, 44 " 103½

By other individuals, the pressure has been ascribed to the change in our Custom House regulations, by which the merchants were called upon to pay cash duties, instead of receiving the usual facilities of eight, ten, and twelve months credit. This opinion the committee believe to be equally erroneous. The extent of a pressure, arising from this source, though it may not be accurately ascertained, may be readily determined with sufficient certainty for the object which we have in view. The whole amount of duties secured at the port of Philadelphia, during the year 1833, did not much exceed or fall short of three and a half millions of dollars; only a small portion of which was liable to the effects of this change in the system, and the long notice which our merchants had of its commencing on the 1st of September last, would enable them to limit their importations, or to be prepared to meet this new order of things; at the same time it is evident, that had the Custom House bonds continued to be payable at, and collected by the Bank of the United States, a slight extension of its discount line, at that time, would have been as convenient to itself as effective to the importers, in relieving them from any pressure. In this case, the bank would have stepped in as the creditor, instead of the United States Government; and might have discounted the importer's note with the very funds received from this system of cash duties. The bank notes issued in the morning, as a discount, would have been returned to the bank, before 3 o'clock, in payment of the duty, but it is evident that this cannot be done with safety to the Bank, while the duties are deposited in the Girard Bank, or in any other place than its own vaults; since, in such a case, the notes would return before 3 o'clock to be converted into specie. That the new deposit banks, selected by the Treasury department, have failed to extend this relief, by affording analogous facilities, is now no longer a matter of doubt. Experience has shown that they will not, and that, if they would, they could not afford this assistance to any very great extent.

The committee are also aware, that by a few unreflecting persons the pressure has been ascribed to overtrading; an opinion equally unsound with all those previously refuted. This arises from entirely overlooking or mistaking the character of the times; and the manner in which the evils arose. The committee cannot express their views on the subject better, than in the words of one of our ablest and most experienced financiers, whose opportunities of deep research and extensive observation have probably exceeded those of any other individual in this country.* "There is," says Mr. Gallatin, "this difference between a commercial distress, and presumed scarcity of currency due to internal causes, whilst the foreign exchanges remain favorable, and a

* Considerations on the Currency and Banking System of the United States, by Albert Gallatin, 1831.

similar distress arising from large foreign debts, and accompanied by an unfavorable rate of exchange, that in the last case there is an exportation of the coins of the country, which cannot take place in the first. If the same effects, in other respects are nevertheless the same in both cases; if in both, the same, and sometimes general distress, equally prevails; if the same difficulty occurs in the payment of debts; if the same complaint is made of want of money, whether specie is exported or not; it is obvious, that there must be another cause besides an actual scarcity of currency for the real distress which is felt, and that what is called "want of money" is not "want of currency." It will be found that this cause is, universally over-trading, &c." Now it appears clear to the committee, from the opinion of all experienced merchants in our commercial cities, from the returns of the imports and exports throughout the country, from the low rates of foreign exchange, from the importations of specie recently made from Europe, from a close review of the condition of our trade and industry, during the preceding twelve months, from the number of failures, which though great, is much less than was apprehended under this long and unusual pressure, that far from having over-traded, the community must have been at the time when the pressure commenced, in an unusually sound and healthy condition. To this alone are we to ascribe the power which it has had to support itself in so trying a crisis; but it must be apparent, that this power is gradually wasting itself away, and that the efforts made to resist the pressure must finally wear away the energies of even the strongest among us.

As none of the causes, which we have examined, can account for the evils which we feel, it is evident that they proceed from another source; which in the opinion of the committee is the removal of the deposits from the bank of the United States, and the perseverance of the federal executive in a course of open and avowed hostility to that institution. To this cause, we must ascribe the curtailment forced upon the bank, and which now re-acts upon the whole community. As the bank of the United States ceases to discount freely, all the state banks must pursue a similar policy or their paper would soon return upon them, with a rapidity, which would drain their vaults of specie. The withdrawal of the deposits from the bank of the United States must also check its ability to extend to State banks, the facilities which it had usually afforded them; facilities, which the new deposit bank has not re-placed, and which it cannot extend. The amount of these facilities is not sufficiently known and appreciated by the whole community, though felt and acknowledged by almost all our State Banks. In the memorial submitted by some of them to congress, they state that "until the 1st of October the revenue paid by the whole country was diffused by the bank and its branches, throughout the whole community to be used for the support of the industry of the whole, and gently recalled, when needed for the service of the whole; while the Bank, as the common friend of all sound State banks, uniting with and sustaining them, was enabled to supply an adequate circulating medium from its own resources, and to preserve in a uniform and sound condition the issues of the State institutions. Now the public revenue is no longer diffused throughout the whole Union; it cannot even be advantageously used where it is collected; and the Bank of the United States, whose expansive power and credit have been so frequently employed to relieve the community, must look necessarily and primarily to its own security."

From an official document, now before the committee it appears, that while the monthly collection of bonds at the Port of Philadelphia averaged only about \$300,000 during the first nine months of 1832; the daily balances due by the banks of the City and Liberties of Philadelphia to the bank of the United States, during the whole of the year 1833, averaged upwards of \$216,500, and that far from curtailing these facilities, after the removal

of the deposits, the daily balances averaged for the last three months of 1833 upwards of \$239,000.* So that it appears, that the balances due by our State Banks in the City of Philadelphia swept away a very large proportion of the amount of public moneys deposited in the Bank of the United States. This is a fact to which the Committee invite the careful attention of the House. The beneficial effect of this upon our country banks was sensibly felt. While the city banks were permitted to have heavy balances owing to the Bank of the United States, they were indulgent to the country banks. The advantages, which the city banks thus received from the public moneys deposited in the bank of the United States, were by them extended to the country banks, and, by means of these, diffused throughout the whole State.

At this time, a new order of things has arisen; the transfer of the public moneys compels the Bank of the United States to call upon the state banks in the city; and these press upon the country banks to pay up their balances. The country notes no longer circulate to the same extent; this must compel these institutions also to curtail their accommodations, with a view to meet this new condition of our currency. Its effect is visible in all our domestic exchanges. The notes even of some of our soundest country banks are no longer received on deposit in the city banks. Maryland and Delaware money is at a discount in Philadelphia; and so great is the difficulty of effecting exchanges, so indispensable is the paper of the Bank of the United States for this purpose that, on several occasions of late, the officers of deposit banks have been obliged to apply to the bank of the United States for its notes, in order that they might be remitted to a distance. Specie was tendered by the Bank of the United States, and declined, because it would have been too expensive and hazardous to send. The deposit banks could not send their own notes to a distant state, where their value would have been very questionable; and therefore, as the notes of the National Bank formed the only convenient remittance for national purposes, they were asked as a favor, and granted. Of the risks that now attend our domestic exchanges, we see painful proofs in the late protests in Philadelphia of drafts and notes, not merely of banks in the state of Ohio and other distant states, but also of banks of this commonwealth, whose names are in the possession of the committee, but which they withhold so as not to add to the difficulties under which those institutions now labor.

That the State Banks have received no benefit from this new order of things is evident from the embarrassment, of which all complain, and of which no proof can be adduced more striking than that drawn from the Governor's late message, which shows that the temporary loan of \$300,000 authorized by an act of the 27th of Jan. last, had not been entirely taken; and that the applications made by the Governor to all the State Banks had proved ineffectual. It appears also, that the difficulty presses at least as much upon that bank, which was supposed to be favored by the transfer of the monies from the Bank of the United States to its vaults; since the Girard Bank was the last to come in to the assistance of the state in this emergency; while the Bank of Pennsylvania, the Philadelphia Bank, the Schuylkill Bank, the Commercial Bank and others, came out at

* The amount due by all the State Banks in the Union to the Bank of the United States and its several branches was

On the 1st of October, 1833,	\$2,280,000
On " 1st of January, 1834,	1,530,000

Making a reduction in three months of 750,000 while the public deposits had been reduced in that time upwards of five millions to wit from nine millions down to four millions. [See Appendix, D.]

once, if not largely, at least to the fullest extent of their abilities.

The committee are aware, that it is assumed by some, that the Bank of the United States has it in its power to prevent this distress or to relieve it, by extending facilities to commercial men. Without stopping to inquire into the right of dictating to that institution the course which it should pursue, or to scan the motives of those who, while they deprive it of one of its most valuable rights, that of keeping the public monies, or sanction this measure on the part of others, ask it to extend its favors to men in business, we may well express our decided opinion, that the removal of the deposits has made this a measure of utter impossibility. It must be recollected, that the President of the United States has repeatedly placed before Congress his views of that institution in terms of the most embittered hostility; that, not satisfied with calling in question the constitutionality of a bank, which almost every president from the time of the immortal Washington, and every Secretary of the Treasury from the foundation of our government down to the present incumbents, had deemed essential to the well being of the country, he has sanctioned and still contemplates measures, intended and calculated to break down and dishonor that institution. It is a melancholy evidence of the situation of our affairs, that an attempt was made to break one of the distant branches of that bank, (at Savannah,) by a sudden call upon it, to redeem a very large amount of its notes (\$350,000) which had been carefully hoarded up by brokers in one of our principal cities, who, we are advised, had received facilities in the execution of this plot from one of the deposit-banks, to which the monies withdrawn from the Bank of the United States had been transferred. Fortunately for the honor of the country, and of the bank, a prudent direction had foreseen the danger and guarded against it, and the issue of the conspiracy was as unprofitable to the aggressors, as it was harmless to the institution. When, however, such attempts are made to impair the stability of the bank, and to weaken the confidence of the public in the ability with which it is managed, it would be worse than folly, it would be crime in the directors to lose sight for a moment of the great interests confided to them. The President of the United States has lately declared to a committee of our own citizens, that he had "a measure in contemplation which will destroy it at once, and which he is resolved to apply, be the consequences to individuals what they may. The bank has in circulation ten millions of checks, which he has no doubt are illegal, and which he will direct the state banks to refuse in payment of the public revenue. These checks must then be returned upon the bank, and will drain her of the specie she is hoarding."

At other times, a generous exposure on its part might evince a magnanimity, that would be excusable if not commendable; but in moments like these, such a course would, in the opinion of the committee, be wholly unwarrantable. This institution may be viewed, both as a corporation, managing the funds and interests of individuals, and as a great engine, created by the legislative power of the Union, to establish and maintain a sound currency throughout the country. In either light the Directors are but trustees for the public good; and it behooves them so to use their powers as best to answer the great purposes for which it was created. If from a generous desire to promote the interests of the commercial cities, in which the Bank and its branches are placed, it were to extend its favors so largely at this time as to endanger its own security, it would seriously prejudice the interests of its stockholders, among whom are many, whose helpless condition entitles them to the particular watchfulness of their trustees in the Board. But it is chiefly as a great public corporation, specially appointed to watch over the soundness of our currency, that the Bank has public duties to discharge, and an attempt to create on its part, or to countenance

on that of the State Banks, an over-issue of paper, would be a violation of public trust, evincing a total disregard of public duty, and justifying the most severe censure. Its own interest is to extend, at all times, its business as widely as may be done, consistent with its security. And a careful perusal of the annexed statement, will show that its course toward the community has been neither unkind nor illiberal.

STATEMENT of the business of the Bank of the United States, for the years 1832, 1833 and 34.

	Months.	Total Dis. and Domestic Bills of Exchange.	Public Deposits.	Private Deposits.	Total Deposits.
1832	January	66,293,707 21	12,589,363 62		
"	July	68,416,081 00	11,872,108 87		
"	August	68,008,988 00	12,137,908 17		
"	October	63,693,310 00	13,661,193 01		
"	December	61,571,625 00	12,278,069 12		
1833	January	61,695,913 57	12,572,543 85		
"	July	63,369,897 00	6,511,503 32		
"	August	64,160,349 00	7,599,931 47		
"	October	60,094,202 00	9,868,435 58		
"	December	54,453,104 00	5,162,260 63		
1834	January	54,911,461 70	4,230,509 63		
"	February	54,842,973 64	3,066,561 72		
				7,518,677 26	20,271,221 11
					00
				10,152,143 00	17,752,074 40
				8,008,862 00	17,877,296 36
				6,827,173 00	11,989,452 01
				6,734,866 06	10,965,375 69
				6,715,312 60	9,777,874 32

Years.	Months.	Discounts.	Public Deposits.	Private Deposits.	Total Deposits.
1833	Jan. 1	5,573,507 80	4,006,500 31	1,095,199 75	5,101,700 06
1834	Oct. 1	6,180,883 40	4,130,322 42	1,354,225 66	5,484,578 08
"	Jan. 1	6,007,471 76	651,760 51	890,108 20	1,641,868 71
"	Feb. 1	6,458,540 70	238,350 57	1,081,421 10	1,339,771 47

Business of the Office of Discount and Deposit, at New York.

Business of the Bank of the United States at Philadelphia.

Years.	Months.	Discounts.	Domestic bills of Exchange.	Total Dis. and of Exchange.	Total Deposits.
1833	Oct. 3	6,365,482 54	1,868,968 80	8,234,451 34	3,528,045 13
1834	Jan. 20	5,913,469 25	1,373,030 35	7,286,499 60	2,154,148 17
"	Feb. 5	5,914,830 00	1,208,228 68	7,123,058 68	2,164,290 27
"	" 17	5,940,732 39	1,113,660 55	7,056,392 94	1,986,747 24
"	" 27	5,955,635 87	1,055,128 29	7,010,764 16	2,033,524 01

From the foregoing table, we draw the following results:

	Dis'ts & Dom. bills.	Pub. & Priv. Depos.
1.—1833, Jan. 1,	61,699,913 57	20,271,221 11
1834, Feb. 1,	54,842,973 64	9,775,874 32

Decrease	6,852,939 93	10,495,346 79
		6,852,940 57

Reduction in deposits exceeds that in loans by	3,642,406 22
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2.—1834, Jan. 1,	54,911,461 70	10,965,375 59
1834, Feb. 1,	54,842,973 00	9,775,874 32

Decrease	68,488 70	1,189,501 37
		68,488 70

Reduction in deposits exceeds that in the loans, by	1,121,012 67
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Bank in Philadelphia.

3.—1833, Oct. 3,	8,234,451 34	3,528,045 13
1834, Feb. 1,	7,010,764 16	2,033,524 01

Decrease	1,223,687 18	1,494,521 12
		1,223,687 18

Reduction in deposits exceeds that in loans	270,833 94
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For the Branch at New York.

4.—1833, Oct. 1,	6,180,883 40	5,484,578 08
1834, Feb. 1,	6,458,540 70	1,338,771 47

Increase	277,637 30	Dec. 4,145,806 61
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So that in the case of this branch while the public and private deposits were reduced \$4,145,806 61, the Bank actually extended its accommodations \$277,637 30.

Thus whether we consider the operations of the Bank at large, or merely those in New York and Philadelphia we will see, how little cause there is for charging it with an undue reduction of business.

If to the operations in Philadelphia, we add that the Bank paid in that city, in the months of January and February, of branch notes due elsewhere the amount of \$1,344,345
And its dividends 1,225,000

Making an aggregate of 2,569,345

And if we bear in mind that in the early part of Feb. it loaned to the Mechanics' Bank, in addition to much assistance previously given to it, the sum of \$130,000 to prevent that Bank from sacrificing in the market at any price a like amount of Pennsylvania stocks which would have depressed their value, and interfered with the proposals then advertised by the State, we will see that the Bank, far from pressing upon the trade of Philadelphia or contributing to the depression in the Pennsylvania stocks, had materially relieved the former, and assisted in supporting the credit of the latter.

After a careful investigation of the facts, that have appeared in this matter, the committee deem it a duty to state, that in their opinion these facilities have been extended as far as under existing circumstances, prudence would permit. The correspondence lately transmitted by the Governor to our Senate, shews, that the contractors of our State loans are willing to admit the kindness and liberality, with which these facilities were afforded to them, and it is a fact well known, that to this assistance, in a great measure, are those gentlemen

(Statement referred to on page 181.)

Since this report was made to the House, and while it was in the press, the statements of the Bank for the 1st March have been made up and published.

We extract the following in further confirmation of the views expressed in the report; we doubt not they will be satisfactory to every candid inquirer after the truth.

Monthly statement of the Bank of the United States and its offices.

1834, March 1.	
Bills Discounted	37,381,131 86
Domestic Bills of Exchange	18,786,698 00
	56,167,829 86
Funds in Europe	1,916,376 94
Due by State Banks	129,251 85
Notes of State Banks	1,906,734 38
Specie	10,385,439 15
	14,337,802 32
Real Estate	2,927,170 57
	\$73,432,802 75

Circulation	18,523,189 00
Deposits.	
Public	2,604,233 62
Private	7,343,129 92
	9,947,363 54
	28,470,552 54

Jan. 1, 1834	Total loans.	Total deposits.
	54,911,461 70	10,965,375 59
March 1, "	56,167,829 86	9,947,363 54

Incr. of loans in 60 days	1,256,368 16	dec. of dep. in do. 1,018,012 15
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indebted for the means they had of continuing so long to execute a contract, which has been so ruinous to them. If in the mad party warfare, which is raging against it, the public good should be so far lost sight of as to lead to a crisis, which shall compel our State Banks to risk an entire cessation of specie payments, (an event, which the committee contemplate as neither improbable nor far distant,) the perils and difficulties, to which this institution will be exposed to maintain its credit will far exceed any trial that it has yet had to encounter; and if it should pass unhurt through that perilous ordeal, it will be a subject of congratulation, not merely to the stockholders, or to the friends of the Bank, but to every friend to his country and his country's honor, that the vigilant prudence of her Directors shall have so husbanded her resources, as to enable her to survive that hour of general bankruptcy.

(To be concluded.)

REPORT ON THE COAL TRADE.

Report of the Committee of the Senate, upon the subject of the Coal Trade.

Read in Senate, March 4, 1834.

Mr. Packer from the committee appointed in pursuance of a resolution adopted by the Senate at the last session of the Legislature, upon the subject of the coal trade, and to whom was referred the memorial of sundry coal dealers in the county of Schuylkill, respectfully submit the following Report:

The coal trade of Pennsylvania, recently and suddenly starting into existence, now constitutes one of the main branches of our domestic industry, and an important portion of the commerce of the State and the Union. It has given a new stimulus to individual as well as national enterprise, and affords active and profitable employment for numerous and various classes of the community. It has produced a spirit of improvement, interspersing the country with canals and rail roads, which, by connecting the distant parts together, promote the convenience and prosperity of the people, while they add to the strength and elevate the character of the State. It has raised up in our formerly barren and uninhabited districts, an intelligent and permanent population, and converted the mountains into theatres of busy life, and our hitherto waste and valueless lands, into sites for flourishing and populous villages. It has opened a new field for the investment of capital, the expenditure of labor, and the pursuit of all the purposes of civilization and society. Its benefits are not alone confined to those engaged immediately in the trade, but are becoming general and universal. Possessing all the varieties of their species, anthracite and bituminous; furnishing a cheap and preferable article of fuel; and affording new facilities to the manufacturer, whose products enter into all the ramifications of domestic as well as foreign consumption, the mineral coals of Pennsylvania now exert an influence upon every other branch of trade, and afford the means of rearing and permanently supporting, on this side of the Atlantic, all the mechanic arts and handicraft of the old world.

It will readily be admitted, that any legislation calculated to affect, either immediately or remotely, an interest thus important, and yet in its infancy, ought to be guarded with peculiar care; and that grants of perpetuity, or privileges having a tendency to a monopoly of an article that must soon become the staple product of the State, ought only to be conferred in obedience to the clearest and most irresistible demands of public policy and paramount necessity. Viewing the subject committed to them in this light, the committee have devoted a due share of attention to it, and now submit to the Senate the result of their best reflections:

THE ANTHRACITE of Pennsylvania, so far as its presence has been ascertained, would seem to exist in three separate and distinct beds or fields, bearing to each other a striking similitude in geographical position,

extent of area, and geological character: The *first* or Mauch Chunk, Schuylkill and Lykens valley coal field; the *second*, or Beaver Meadows, Shamokin and Mahanoy coal field; and the *third*, or Lackawanna and Wyoming coal field. It is believed by some, and would seem not improbable, that there is another and distinct coal field between the second and third, running parallel with them, and extending near to and perhaps across the river Lehigh in the direction of Wallenpaupack, in Pike county. Indications of coal appear, it is said, on the waters of the Wallenpaupack, head waters of Nescopeck, Bear creek, Beaver lake, and Drinker's creek. There is certainly sufficient room for the existence of such coal field between the second and third; but the country being for the most part wild and unexplored, the fact is not sufficiently established to gain full credence, nor yet can it be wholly disbelieved. The eastern termination of the second field, near the Lehigh, not having yet been accurately defined, it may be of sufficient width at Beaver Meadows, Pismire hills, Sandy run, Wright's Creek, &c. to embrace a part, if not the whole of the territory where these indications are exhibited. The committee are inclined to believe this is the fact, and that, as before stated, the anthracite is confined to three fields or deposits. Possibly these may be correctly termed *parts* only of one entire coal region, embracing the whole country between the Dial mountain, bounding the third coal field in Luzerne county, on the north, and the Sharp mountain or southern boundary, in Schuylkill county, on the south. Like the question, whether the coal itself be of mineral or vegetable production, or of secondary or primitive formation, having existed from the beginning "in the midst of the waters" and presenting itself at these places when "the dry land was commanded to appear," this fact is of little practical importance, and may rather serve to amuse the curious, and to occupy the time of those skilled in the doctrine of the earth. It will not be deemed as having been improperly adverted to, if it shall be found to have had any influence in inducing the Legislature to authorize, at some future time, a full topographical and geological survey of the State.

To enable the committee more satisfactorily to discharge the duties assigned to them, and to ascertain more particularly the extent of the coal trade and the various improvements consequent upon it, they visited, during the recess of the Legislature, many of the principal mining establishments, in person. They also addressed to the principal coal dealers in the different districts, whose opportunities and intelligence, it was believed, enabled them to give the information required, and upon which the Senate could rely, a number of queries, with such variations and additions as the nature of the respective cases seemed to require. These queries, as also the answers, which are generally full and satisfactory, are inserted in the appendix, from No. 1 to 16.

The first, or MAUCH CHUNK and SCHUYLKILL • Coal Field,

Commences near the river Lehigh, in Northampton county, on the east, and extends through the heart of Schuylkill county to Wicomico creek, emptying into the river Susquehanna, in Dauphin county, on the west. Here it has generally been supposed to terminate; and for all practical purposes, it may, perhaps be so considered. It has been supposed by some, however, that it extended originally across the river, and west of it, some three or four miles, in Perry county. The *red shale*, which appears to form the base of the anthracite, and which is found to form a regular and uninterrupted circle or border around each of these deposits, does not terminate east of the river, but continues on either side of the Wicomico creek, and is crossed by the Susquehanna immediately above Millersburg, and also below it, between the Wicomico and Peter's mountains. A vein of coal has also been discovered in the bed of the river,

opposite Millersburg, as also several small veins in the mountain on the west side, on lands of Peter Ritner, below Liverpool. From the summit, between the head waters of the Swatara and Wicimisco creeks, toward the Susquehanna, the mountains diverge, and are considerably depressed, the whole descent from the short mountain or Wicimisco mines to the river, (sixteen miles,) being 305 feet. It is therefore probable that the mountains at the river do not contain any workable or profitable beds, and that none will be found on the east side, much nearer the river than those now worked by the Wicimisco coal company. The river has apparently broken through the immense barrier, or chain of mountains, at this point, nearly at right angles, and it is probable has, in its course, greatly interrupted the regular strata of coal, (if they ever extended to this point,) leaving in the "crush of matter," particles and fragments only of the mineral deposit. Opposed to this theory, we have all the characteristic features of a well defined coal formation, terminating at Short mountain, on the waters of the Wicimisco, bounded by a first and second mountain barrier, and similar in all respects to those of the second and third coal fields.

Assuming this to be the western termination of the first coal field, it is about sixty-five miles in length, averaging about five miles in width, and is enclosed or bounded by a continuous mountain, forming a trough, or longitudinal basin. This boundary, called the Broad mountain, on the north, and Mauch Chunk or Sharp mountain on the south, is cut down to a greater or less extent, at various places, by the different streams that take their rise in the coal field, or pass through it. At the south, it is penetrated by the Little Schuylkill, or Tamaqua river, at Tamaqua; by the river Schuylkill at Pottsville; by the West branch at Minersville, and by the head waters of the Swatara Creek at Pine Grove; and at the west by the Wicimisco and Stony Creeks. The northern boundary is also cut through by Roush's Creek, a branch of Mahantango, and also, to some extent by the west branch of the Schuylkill, Mill Creek, and a branch of Tamaqua, emptying into the Schuylkill; and by Kitchen and Room runs; two very inconsiderable streams, emptying into the Nesquehoning Creek, and thus into the Lehigh. These creeks or passes through the mountains, afford out-lets for the coal, and favorable sites for the location of canals and rail roads, the principal of which is the Schuylkill navigation, penetrating the first coal field at Pottsville, and extending to Port Carbon. Rail roads are also located and already completed from the coal region, through nearly all these natural openings to the different water communications; and the Mauch Chunk or Lehigh Navigation Company, with a boldness of design and magnificence of enterprise alike worthy of the cause as characteristic of the energy and perseverance of the projectors, disregarding these natural out-lets, and ascending the mountain at its greatest altitude, there enter the basin by rail road, and divert the coal from its natural channel to the waters of the Lehigh at Mauch Chunk, and thus to market by the Lehigh navigation.

It is thus apparent that what is termed the Lehigh or Mauch Chunk coal, and the Schuylkill coal, are parts of the same bed or stratum, and of the same species. As we approach the eastern termination of the basin, it becomes narrower; the mountains approximate closer to each other, and the strata of coal, as at Tamaqua, five miles west of the Mauch Chunk mines, assume a vertical position. Still nearer the end of the basin, as at Mauch Chunk, they seem to have been thrown entirely over, one upon another, forming an immense mass of coal, with alternate layers of earth and slate; and from this mass they seem to diverge, widening and extending with the valley or basin, and continuing throughout its entire extent. Extending westward, it is true, the coal becomes somewhat lighter, the specific gravity of the Mauch Chunk coal being 1.494—the Schuylkill, in the vicinity of Pottsville, 1.453; and the Pine Grove, Wicimisco and Stony Creeks, about 1.400. The latter is somewhat more inflammable and easy of ignition, or to use a prevailing idea, (although there is no bitumen in it,) "partakes more of the bituminous character." In the vicinity of Pottsville, a species of coal is found, producing red ashes, and is by some regarded as of superior quality. With these exceptions, there is little difference in the quality of the coal of this region; certainly no more than in trees of the same species, growing upon the same soil, or in coal taken from different parts of the same mine; and if coal of a superior or inferior quality be found in market, it is only because the vender has been more or less careful in freeing it from slate or other impurities.

The interior of the first coal field being cut up and diversified by these various streams, running in every direction, forming several elevated summits and deep ravines, it is peculiarly fitted for extensive mining operations. The beds of coal vary from one and two, to twenty-five and thirty feet in thickness; though those of from five to ten or twelve feet, are considered best, as they can be worked with greater facility and profit. They can be so propped and roofed as to enable the miner to take out every vestige of coal, without the slightest danger of accident, while those of twenty or thirty feet, must be worked in chambers, and large pillars of coal left to support the roof; and even then, the miner is exposed to danger from the falling of particles, and sometimes large masses. There is generally too great a quantity of superincumbent earth, to admit of their being uncovered, and this as yet has in no instance been done, excepting by the Mauch Chunk company, at the summit mines, and at a time when the science of mining was not understood. With this exception, it is the universal practice in the region to *undermine*. The beds generally, if not universally, dip in the direction of the declivity of the mountains, and the particular mode of operating in the interior of the mine, is governed in some measure by their dip or angle. By running a tunnel, or drift, and constructing a rail road, into the mountain, above the water level, of sufficient capacity to admit rail road cars, and by piercing the seam of coal horizontally for any distance that may be desired, the miners obtain full command of the whole front of the stratum, and taking a number of *breasts*, pursue it like a party of mowers to the very summit or *out crop*, throwing behind them the product into the tunnel, where it is loaded upon the cars, brought from darkness into light, deposited at the landings, or precipitated at once into the canal boats. In some of the hills there are found two, three and four seams of coal, one above another, above the water level. To what extent they continue downward has not yet been ascertained. The North American Coal Company, as also three individual operators, M. Brooke Buckley, Robert Young, and Blight, Wallace and Co. are now operating below the water level, by sinking shafts to a considerable depth. This is done more as a matter of experiment or convenience, and for the purpose of ascertaining the relative expense of the two modes of mining, than as a matter of necessity; for whatever may be the increase of the demand for this fuel, the beds above water level will not, it is believed, be exhausted during the present generation.

Coal was known to abound on the waters of the Schuylkill, between the Broad and Sharp mountains, near where Pottsville has since arisen, as also at the place now called the summit, or Mauch Chunk mines, as early as 1790, and perhaps before; but it was not then, nor until recently known, that these constituted parts of a continuous coal deposit. It was then used to a very limited extent by some of the blacksmiths in the neighborhood; but it was considered of little value, and excited little attention. Being of a different species from Virginia and Liverpool coals, it was generally considered an inferior article and unfit for use. It however, gradually worked its way among the blacksmiths, part-

ly from necessity, and an occasional scarcity of charcoal, until it became pretty generally used, and by some to be preferred. It attracted the attention of some gentlemen of enterprise and intelligence who, at that day, looked forward to the time when it should become an article of great value. They made various attempts to introduce it, but were unsuccessful. The mines at Mauch Chunk, were partially opened prior to the year 1800 and small quantities of the coal taken to Philadelphia. A company was organized for the purpose of engaging in the business, but were regarded by the public as visionary enthusiasts, and some of them were driven from the enterprise, and have since passed from the stage of action. Others persevered; succeeded, and yet live to witness the complete triumph of their efforts, and the consummation of their most enthusiastic predictions. A letter addressed to the committee from the Honorable Charles Miner, of Wilksbarre, who himself participated at an early day in this perilous traffic, as also, a communication from the Pottsville board of trade, furnish some interesting facts relative to the discovery of this mineral, and the measures then devised to bring it to market, and accompany this report; [Vide appendix, No. 17 and 18.] From these documents it appears that in 1814, twenty-four tons of coal were taken down the Lehigh and Delaware rivers to Philadelphia, from the Mauch Chunk mines, by Mr. Miner, in an ark, having first hauled it over a rough road from the mines to the river, (nine miles,) and cost him at the city, fourteen dollars per ton! In 1812, Col. George Shoemaker of Pottsville, loaded nine waggons with coal at the Schuylkill mines and hauled it to Philadelphia, a distance of 106 miles; two loads of which he sold for the cost of transportation to Messrs. Mellon and Bishop, who agreed to try it in their rolling mill in Delaware county; and the remaining seven waggons loads he gave away, and had some difficulty in finding persons willing to take it!

Notwithstanding the great difficulty in navigating the Lehigh, at that day, and the consequent expense of conveying the coal from Mauch Chunk to the city, Mr. Miner, and his associates had so far succeeded in 1814-15 in introducing the article, as to find a ready demand for it, and were about entering upon the trade extensively. But "peace came in 1815, and found them in the midst of their enterprise. Philadelphia was now opened to foreign commerce, and the coasting trade resumed—Liverpool and Richmond coal came in abundantly, and the hard-kindling anthracite fell to a price far below the cost of shipment." From this time, the coal trade, as such, was abandoned; and it does not appear that any considerable quantity of coal was taken to market, either by the Lehigh or the Schuylkill, until 1820, when the Lehigh navigation was completed by the present company, and three hundred and sixty-five tons delivered at Philadelphia. In 1821, one thousand and seventy-three tons were brought to market, fifteen tons of which were shipped coastwise and the balance consumed in Philadelphia. In 1822, two thousand and four hundred and forty tons were brought to market, one hundred and eighty-one tons of which were shipped coastwise. The year 1820 may, therefore, be regarded as the era from which we are to date the anthracite coal trade of Pennsylvania—a trade which, during the past year, has increased to nearly six hundred thousand tons, and amounting to about three millions of dollars.

The Lehigh Coal and Navigation Company were incorporated *with* mining and trading privileges; and having constructed the important improvements on the Lehigh, and the rail roads to the mines, for the purpose mainly of transporting their own coal to market; and there being no natural out-let for the coal of the first district, to the waters of the Lehigh, the mining operations in that section of the coal field were, of course, and must consequently continue to be, under the existing state of things, confined exclusively to the company. During the first five years, they had many diffi-

culties to contend with, prejudices to overcome, and opposition (which has not yet ceased) to encounter. The first improvement of the river, having failed to answer the purpose designed, was abandoned, and the present navigation (of which the committee will hereafter speak) completed; and the turnpike or M'Adamized road of nine miles, from the "summit mines" to the river, not affording sufficient facilities for the conveyance of the coal, a rail way—the first in the United States of equal length,—was laid down upon it. Other mines have also since been opened by the company, at the opposite side of the basin, on Room run, and a rail road constructed from thence to Mauch Chunk, with three s-l-f-acting planes, and, including the branches, upwards of eight miles in length. During the past year, 1833, the company sent to market one hundred and twenty-three thousand tons of coal, forty-four thousand one hundred and sixty-eight tons of which, were shipped coastwise.

The Schuylkill Navigation Company were incorporated *without* mining and trading privileges; and hence it was, and of consequence must continue to be, their interest to invite tonnage from every quarter and from every source. This valuable improvement, one hundred and eight miles in length, was commenced in 1815, and completed at an expense of two millions nine hundred and sixty-six thousand four hundred and eighty dollars and thirteen cents. Tolls were first taken in 1818, amounting to two hundred and thirty-three dollars; and from that time until 1825, it does not appear, from the annual reports of the company, that any account was kept of the tolls on the *separate* articles of tonnage, but that the whole amounted for the year 1824, to six hundred and thirty-five dollars. The next year, 1825, at which period may be dated the commencement of the coal trade on the Schuylkill, the tolls increased to fifteen thousand seven hundred and seventy-five dollars and seventy-four cents. Of this sum, nine thousand seven hundred dollars were received from coal. Having been designed as a grand thoroughfare for the products of the mine, the field and the forest, as a free navigation, open to all who chose to participate in its facilities; and entering the first coal field at its centre, affording an out-let for the coal of more than half its territory; individuals of capital and enterprise were attracted to the scene, and rail-roads constructed, diverging in all directions to the mines.—Labourers and mechanics of all kinds, and from all nations, thronged to the place, and found ready and constant employment. A new era seemed to have dawned in the mountains. The wilderness was subdued. The coal basin seemed to be literally running over with active and resolute adventurers; a rapidly growing population became established; the wild animal was driven back to give place to a host of miners, who now pierce its thousand hills. So that, for the last year, 1833, (only eight years from the commencement of the coal trade on the Schuylkill) the tolls on the canal amounted to three hundred and twenty-five thousand four hundred and eighty six dollars and sixty-three cents. Of this sum, two hundred and twenty-eight thousand one hundred and thirty-eight dollars were derived from the article of coal alone. Houses, many of which are costly and splendid, and towns, the principal of which is Pottsville, sprang up in various parts of the region. Coal lands, the basis of all this promising superstructure, grew rapidly in value. Being owned by numerous individuals, or yet remaining the property of the State, and considered until now scarcely worth the taxes, they were eagerly sought after, and presented strong inducements for the investment of capital. Sales were made to a large amount; it being now estimated that four millions of dollars have been invested in lands in the first coal district. Many individuals purchased lands and removed upon them with their families, designing to convert them into permanent residences, and as the farmer cultivates his farm, to prosecute the mining business with their own

hands, and their own means. Other lands are held by capitalists, some residing in the district, and some at a distance, the mining operations being carried on by tenants. Associations of individuals, forming joint stock companies, having obtained charters for the mining of coal from the Legislatures of other States, also purchased lands, which, to evade the statutes of *mortmain*, declared to be in force in Pennsylvania, were held in virtue of deeds of trust, and were used and occupied by those companies. Two of them, viz: the Delaware Coal Company, and the North American Coal Company, were incorporated for the term of five years, by the Legislature, at its last session, when an act was also passed escheating the lands held by companies under charters granted by other States, without the license of this State. The others either cease to exist, or operate in the capacity of individuals.

Capital was thus introduced, by individuals and by incorporated companies, and important public improvements made by both. The country has grown and flourished beyond example. The farmer shared alike the general prosperity, in the new, convenient and certain market for all his produce. In the midst of this hum of industry; this tide of prosperity, and flow of capital, it were not to have been expected that a spirit of speculation should have remained entirely dormant, or all who purchased lands did so with the *bona fide* intention, either of occupying them themselves by actual resident settlement, or of realizing their expenditures from the product of the mines. Hence, a fictitious value was sometimes given to coal lands. Calculations being made to ascertain the number of square yards of coal contained in an acre of land and its value; and some calculating also the quantity that each acre was capable of producing without either knowing that it contained coal at all, or counting the cost, labour and expense of producing it, the adventurer conceived the sum of one, two or three hundred dollars per acre, a very inadequate price. The few who thus ran into error and extravagance, and purchased lands under these impressions, and with these expectations, (and it is rather a matter of surprise that the number was not greater) were compelled either to lose money themselves, or impose their losses upon others. They were therefore interested in producing fluctuations and uncertainty, rather than steadiness and certainty in the coal market. Their fortunes could not be injured by the most sudden change, but might possibly be benefitted; and if a supply of coal were one year withheld in order that the price might advance to 10, 12 or 15 dollars per ton, data would be afforded for another estimate of the value of their lands by the square yard of coal, and the owner again realize, and perhaps double the amount of his purchase money. These, however, are of the things that have been, and it is believed, have now passed away. It is not now in the power of the speculator seriously to affect, nor of the monopolist permanently to control the coal trade of Pennsylvania. This mineral is happily too vast, and the facilities for transporting it to market too numerous and diversified to be grasped by the hand of one or the other. At one time, and but a few years since, this might have been done, had the localities of our coal deposits been accurately known. But, this knowledge was imparted, in proportion as the interest or ambition of one impels him ahead of another, and as necessity leads to invention and discovery; and it is not now probable that such a state of things will ever occur. So long as the wealth, the enterprise, the intelligence, and the patriotism of our citizens cannot be concentrated in the few, but are equally distributed among the many, and equality of rights continues to form a fundamental principle of our government, it must remain as their common heritage, constituting a large portion of the present wealth of the State, and her principal strength in after ages. New mines are developed as the consumption of coal increases; and the spirit of improvement and rivalry is abroad, seeking

to supply the demand. Competition is the grand alchemick in which the health of trade is purified and preserved; and, in relation to the coal trade, if allowed to pursue its true and legitimate objects, unfettered and unrestrained; uncontrolled by injudicious legislative enactments, it will, as in all other cases, produce uniformity, regularity and certainty; and a safe guaranty for the investment of capital and the expenditure of labour.

The following statement comprises the different canals and rail roads at present completed, in the first coal district and connected with it, as also an estimate of the value of other property and improvements necessarily employed in carrying on the coal trade:

	Miles.	Cost.
Lehigh navigation	46	\$1,546,094 96
Former river improvements	0	155,420 00
Rail road to summit mines and laterals	16½	59,766 39
Room Run rail road	8½	123,000 00
Schuylkill navigation	108	2,966,480 13
West Branch rail road	15	185,000 00
Lateral roads connected with the above	10½	31,500 00
Norwegian or Mount Carbon rail road	9	95,000 00
Laterals connected with the above	1½	5,250 00
Mill Creek rail road	4	15,000 00
Laterals connected with the above	7	11,700 00
Schuylkill Valley rail road	10	66,000 00
Laterals connected with the above	11½	19,200 00
Navigable feeder of the Union canal and dam	21	164,364 38
Pine Grove rail road, made by Union Canal company	4	20,561 25
Continuation of same by individuals	2½	7,500 00
Lykens' Valley rail road	16	90,000 00
Little Schuylkill or Tamaqua rail road	20	225,557 11
Lateral branches, single, double, and treble tracks	6½	
To the above might also be added the Delaware division of Pennsylvania canal	60	1,430,211 85
Total	377	\$7,211,606 07

Number of wagons or rail road cars, in the first district, 2,354, at \$70 each	164,780 00
Boats employed by individuals and companies, 980, at \$500 each	490,000 00
92 colliery establishments, including working capital, utensils, horses, mules, &c. &c. at \$4,000 each	368,000 00
100,000 acres of land at \$40 per acre	4,000,000 00
	\$5,022,780 00

The whole amount of coal taken to market from this district during the last year, 1833, is 399,933 tons, to wit:

On the Mine Hill and Mill Creek rail road	37,074 tons.
Mine Hill and Schuylkill Haven rail road	77,073
Schuylkill Valley rail road	23,479
Mount Carbon rail road	73,136
Little Schuylkill or Tamaqua rail road	37,506
By individuals not using rail roads	6,655
Mauch Chunk, or Lehigh navigation	123,000
Pine Grove, on Union canal and wagons	12,000

Lykens' Valley	10,000
Total	399,933
To the above may be added for home consumption and the supplies of the adjacent country, about	30,000

Making the total, mined, consumed, and sent to market in the first district 429,933 tons.

The borough of Pottsville contains at present, a population of about four thousand souls, and upwards of five hundred dwellings. It is valued at one million of dollars. Port Carbon is also a place of considerable commercial importance—is valued at three hundred thousand dollars, and does a coal business nearly equal to that of Pottsville. The towns of Schuylkill Haven and Minersville, are estimated at two hundred and fifty thousand dollars each, and their coal trade is about equal to that of Pottsville. The towns of Mauch Chunk, Summit Hill, Tamaqua, Patterson, Tuscarora, St. Clair, New Castle, Middleport, Mount Carbon, Pine Grove, Coal Castle, Llwelllyn, and other small towns, exclusive of the huts and cabins occupied by the miners and labourers, may be estimated at a million and a half, making the total valuation of the towns in the first district, three millions of dollars. Of the canals and rail roads above stated, 279½ miles were made by individuals and incorporated companies not having mining privileges, at an expense of \$5,255,187 61; and 97½ miles by incorporated companies having mining privileges, at an expense of \$1,954,418 46. The Delaware division of the Pennsylvania canal was made by the State.

(To be continued.)

SYSTEM OF GENERAL EDUCATION.

(Appendix, Continued from page 147.)

Letter from Governor Marcy of New York, accompanied with a communication from John A. Dix, Esq. Superintendent of Common Schools in that State.

ALBANY, 19th December, '33.

My Dear Sir: It gives me pleasure to comply with your request, as far as I am able. The accompanying letter to me, from Gen. Dix, the superintendent of common schools, is an answer to your several inquiries. I have thought that our laws on the subject of common schools, and the report of the superintendent last year, would assist you to some views that may aid you in furnishing your system. I have therefore taken the liberty of forwarding them to you. In a few weeks, the superintendent will have prepared his report for this year. I will bear it in mind to furnish you with a copy. If it should occur to you that there are other facts which we may possess on this subject, that could be of any use to you, it will give me pleasure to comply with any future request to furnish them.

I am, dear sir, your ob't serv't,

WM. M. MARCY.

Hon. S. BRECK,
Chairman of Common School Committee.

STATE OF NEW YORK,
Secretary's Office, Albany, 20th Dec. 1833. }

Answers to the questions contained in the letter of the Chairman of the Committee of the Legislature of Pennsylvania, for arranging a plan of general education.

1. Our school fund is not sufficiently large to meet the expenses of the system. It pays only about one-eleventh of the annual expenditure.

2. The capital of the common school fund is \$1,754,046; and the estimated revenue for 1834, \$106,800. Only \$100,000 is annually distributed to the common schools. Whenever there is a surplus of revenue, it is annually invested, and thus augments the capital of the

fund. There are also local or town funds for the support of the common schools in particular towns, the whole revenue of which, in 1831, was \$17,198 25. In 1832 it was \$18,593 24, as will appear by the report of the superintendent to the Legislature, in Jan. next.

3. All taxes for the support of the common schools, are laid by vote of the inhabitants of each school district—See art. 5, act relating to the common schools, pamphlet edition, herewith enclosed. See also page 14, report of the superintendent for 1833, herewith enclosed.

4. The whole number of children who received instruction in the common schools during the year 1831, was 494,959; and in 1832. (as will appear by the next report of the superintendent to the Legislature,) 512,475.

5. The system is universal, and in the interior of the State, the children of the rich, as well the poor, attend the schools. In the cities and large villages, those who can afford the expense, usually send to private schools.

6. The teachers are not formed according to any prescribed system or plan of instruction; nor has the State any seminaries or model schools for the education of teachers. The only test of qualification is an examination by the inspectors—See art. 4 of the accompanying act.

7. The average monthly wages of female teachers is \$5, and of male teachers a fraction less than \$12. The annual cost per scholar, including interest on investment in school houses, cost of fuel, books, and all other items of expenditure, is about \$2 28.

8. The usual mode of instruction prevails. There are a few Lancaster schools in this State, which participate in the distribution of school monies.

9. Our laws are silent as to the course of instruction and the subjects of study. These matters are left entirely to the discretion of the district school officers and teachers. There is no limitation as to the age of admission to, or dismissal from the schools.

10. The plan succeeds remarkably well. The only material improvements of which the system is susceptible, are to raise the qualifications of teachers, and to extend the course of instruction. The former is contemplated in preparing teachers for the business of instruction, at the incorporated academies, through separate departments created for the purpose; and the second, by introducing some new subjects of study. On these points, the next report of the superintendent, which will be forwarded as soon as it is printed, will contain some suggestions.

11. The average number of scholars to a school, is 56 and a fraction. In the secluded neighborhoods they are often less.

12. The two sexes are usually taught together. In large schools they are sometimes separated, and the females are taught indiscriminately by male or female teachers.

13. No town can participate in the distribution of the common school fund, unless it levies upon its inhabitants a sum equal to that which it is entitled to receive from that fund under the general apportionment.

14. There are no manual labour schools, within the provisions of the act relating to common schools, nor is manual labour connected in any manner with the latter.

15. The schools are kept open an average period of eight months. They must be taught three months by a qualified teacher, (i. e. one who has been examined by the inspectors) to become entitled to a share of the public money.

The annual report of the superintendent of common schools for 1833, contains so complete a view of the operation of the system, that any thing further is deemed unnecessary. Respectfully submitted.

JOHN A. DIX, Sup't Common Schools.

His Excellency GOVERNOR MARCY.

(To be continued.)

REPORT ON CHARITY SCHOOLS.

Annual Report of the Board of Managers of the Philadelphia Society for the establishment and support of Charity Schools. With the Annual Report of the Treasurer.

To the Philadelphia Society for the Establishment and Support of Charity Schools.

The Board of Managers who have for the last year superintended the affairs of the society, in obedience to the duty required of them at the close of their labors, submit a brief statement of their proceedings.

They cannot forbear the expression of the pleasure they feel in the continued improvement of the schools under their charge; they have acted on the recommendation of the Board of the last year, and have employed an additional teacher, to take charge of the boys in the primary classes, whilst the time of the principal teacher is devoted to those who are engaged in a more advanced stage of learning. To perfect this arrangement the Board have been compelled to incur an additional expense of three hundred dollars per annum in salaries, besides the cost of alterations, which they hope the Society will perceive has been judicious. The duties of teacher in the primary school, which is continued on the monitorial system, are discharged by Joseph W. Roberts, who has charge of two hundred and fifteen boys, and who has thus far, sustained his reputation as a teacher to the satisfaction of the Board.

William Neal, the principal teacher, under the superintendence of a committee, organized a school of forty-five boys, to whose improvement his time was exclusively devoted; and the number being limited, he was enabled to pay direct attention to each individual in this school. The boys are instructed in arithmetic, English grammar, geography and mathematics. The regular attendance of the boys and their progress in learning, was quite satisfactory.

In the month of July last, William Neal, very much to the regret of the Managers, resigned his situation as teacher, for the purpose of engaging in a more active employment; this circumstance the Board considered the more unfortunate as the advantages of the new arrangement were but just beginning to develop themselves; they, however, immediately appointed a committee to make inquiries for a suitable person to succeed him; and to receive applications from such persons as might offer themselves. From a number whose names and recommendations were submitted by the committee, the Board made choice of Z. D. Brazier, who entered upon the discharge of his duties on the 9th day of September last. From the present state of this department, the Board have seen no reason to regret their choice.

The literary department of the girls' school continues under the charge of Margaret Bonsall, and consists of two hundred and forty-five girls, about one-third of which number are alternately in the sewing department, under the instruction of Hannah Smith. The Board have every reason to be satisfied with the female teachers, who devote their time and talents to the improvement of their pupils with a commendable zeal.

The present situation of the schools supported by the funds of the Society, forms a subject of congratulation. Several of your Board of Managers have devoted years to the service of the institution, and they can unhesitatingly unite in declaring that its advantages have never been more apparent than at present. With a total of five hundred and ten children under the care and instruction of attentive and competent teachers, and with funds nearly adequate, (with a due regard to economy,) to sustain the expense of the establishment, it may perhaps be said, that the original intention of its founders has been accomplished, certainly so far as to offer to those who are unable to pay for the instruction of their offspring, that by sending their children regu-

larly to our schools, in numbers to fill all the departments, that the means of obtaining a good English education, calculated to make them useful and respectable members of society, are here provided.

The average number of children belonging to the schools during the past year, was five hundred and ten, and the total expense of instruction, including teachers' salaries, books, stationary, fuel, &c. was \$2002 24; showing that the annual cost of each scholar is but *three dollars and ninety-three cents*, a sum certainly small when compared with the advantages derived by a pupil with the present arrangement. During the year, there has been admitted into the schools, 214 boys and 230 girls; there has been discharged 153 boys and 205 girls; leaving 260 boys and 250 girls now under a course of instruction. Since the foundation of the institution, the whole number of children who have partaken of its benefits is 9839.

In the year 1814, the Board of Managers, in order to excite the scholars to diligence in their studies, and afford to such as were disposed to read at home an opportunity of doing so, with a hope of improvement, established a library, consisting of books suited to the different capacities of children: for this collection they were indebted to the liberality of several respectable booksellers and others, who contributed when called upon for that purpose without hesitation. This library has now been in use nearly twenty years; the books have generally been read by the children, and the effect produced, we have cause to believe, has been beneficial. The present Board have observed that these books, from long and constant use, have become very much defaced, many of them in fact are no longer in a state to be read; they have therefore deemed it advisable to make an effort to renew and enlarge the library; a committee has been appointed for this purpose, who have commenced receiving subscriptions from the members of the board and others: their success thus far encourages the belief that the effort will be successful. The Board introduce this subject for the purpose of recommending the prosecution of it to their successors, and of commending it to the members of the society as a very suitable object upon which to bestow their bounty.

The property of the Society in Kensington has not yet become a source of revenue, owing to the continued expenditure for paving, fencing, &c. consequent upon the improvement of that district; but we are quite satisfied that this property, which has considerably enhanced in value, will yield a considerable addition to the funds of the Society, whenever they may think proper to make a disposition of it.

For a detailed statement of the funds of the institution, and all matters in relation to its fiscal concerns, the Board refer to the report of the Treasurer, which will be laid before you.

Before taking leave of their constituents, the Board of Managers cannot but express their gratitude to an all wise and beneficent Providence, who rules and governs all things, that he has permitted this Society to be the humble instrument of good to this community, that all our concerns have been made to prosper, that we have a prospect of continuing and enlarging our efforts of benevolence, that some of those that were formerly the recipients of our bounty, are now numbered among our friends and fellow members; and they indulge an humble hope that the same Divine Superintendent will continue to watch over this institution, and enable it to extend the blessings of education still more extensively than it has yet done.

By order, and on behalf of the Board of Managers.

SAMUEL J. ROBBINS, Chairman.

JOHN B. ELLISON, Secretary.

Philadelphia, Dec. 27, 1833.

ANNUAL REPORT OF THE TREASURER.

To the Philadelphia Society for the Establishment and Support of Charity Schools.

The Treasurer respectfully annexes his annual statement for the past year.

Received from members, less commissions for collecting,	\$174 40
Received interest (in this item there is \$668 66 which was due and unpaid in my last report)	1897 32
Received rents, less repairs and taxes, &c.	469 17
Received ground rent,	36 00
Received library share,	5 00
Received bond and mortgages paid in,	5500 00
	8101 89
Deduct balance due Treasurer per last report,	185 40
	\$7916 49
Paid Teachers and expenses,	\$2002 24
“ bond and mortgages,	5650 00
	\$7652 24
Balance due the Society,	\$ 264 25

The Capital Stock of the Society now stands invested as follows:

\$1100 00	Bond, 1 year's interest due 1st Mo. 15, 1834,	\$66 00
1000 00	Bond, 1 year's interest due 9th Mo. 31, 1834,	60 00
3000 00	Bond, 2 year's interest due 9th Mo. 30, 1834,	180 00
7000 00	Bond 1 year's interest due 11th Mo. 19, 1834,	420 00
1500 00	Bond 1 year's interest due 11th Mo. 29, 1834,	90 00
2500 00	Bond 1 year's interest due 12th Mo. 31, 1834,	150 00
1650 00	Bond 6 mo'ths interest 8th Mo 2, 1834,	49 50
	6 mo'ths interest 2d Mo. 2, 1834,	49 50
1500 00	Bond 1 year's interest 11th Mo. 16, 1834,	90 00
1500 00	Mortgage, 1 yr's interest due 12th Mo. 8, 1834,	90 00
153 00	Bond, 2 year's due, 9th Mo. 26, 1834,	18 36
600 00	Ground rent John Evans' Legacy,	36 00
200 00	Union Canal share,	
40 00	Library share, nett,	1 000
2500 00	House in Fifth street, say nett rent,	160 00
10460 14	School-house	
2155 02	Offices,	400 00
1061 75	Kensington property.	

\$37919 91

Add uncollected income for 1833,	108 36
Anticipated receipts from Members,	175 00

Probable income for 1834,	\$2143 72
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All of which is respectfully submitted.

GEORGE PETERSON, Treasurer.

Philadelphia, 1st Mo. 7, 1834.

MEETING OF STOCKHOLDERS OF THE GIRARD BANK.

The assemblage, of Monday, in relation to the Girard Bank, was very large, and, as might have been expected,

ed, divided into two parties, one for, the other against, the abrogation of the Bank's agreement with “the government.” Each party claims a majority and triumph. We publish the regular reports of the proceedings of both.

At a meeting of the Stockholders in the Girard Bank, held agreeably to the Act of Incorporation, at the Banking House, on Monday, March 17.

Edward Smith, Esq., was called to the chair, and William Newell, appointed Secretary.

The following communication from the President of the Bank, was handed to the chair:

March 17, 1834.

Sir—As the present meeting of the stockholders has been called specially by themselves, the Board of Directors have deemed it most proper that they should not attend. If any information should be desired by the stockholders, the Board will cheerfully furnish it to any committee that may be appointed to confer with them.

I have the honor to be, very respectfully,

(Signed) JAMES SCHOTT.

President of the Girard Bank.

To the Chairman of the Meeting of Stockholders.

The following preamble and resolutions, offered by Griffith Evans, Esq., were then adopted:—

Whereas, The removal of the deposits from the Bank of the United States is a violation of the chartered rights of that institution, and has brought embarrassment and distress over the whole country, which, before that act, was in the enjoyment of unexampled prosperity, —

Therefore, Resolved, As the sense of this meeting, that the Directors of the Girard Bank be, and they are hereby instructed to restore to the proper authority the monies and deposits of the United States in their possession, as soon as the same can be effected consistently with the convenience and safety of the institution, and that the said Girard Bank, shall henceforth cease to be the repository of the deposits aforesaid.

Resolved, That we do not intend to impute censure upon the Directors of the Girard Bank for the reception of the Government Deposits, but hereby to express our decided opinion, that the interest of the public at large, of this community, and of the stockholders, are adverse to their retention in this institution.

On motion of John S. Riddle, Esq., the following resolution was then adopted:

Resolved, That a committee of five persons be appointed by the chair, whose duty it shall be to have the resolutions adopted by this meeting engrossed in a book, and under whose superintendence the book shall be opened at the Merchants' Coffee House, until the 28th inst., to receive the signatures of such of the stockholders of this bank as approve of the resolutions, with the number of shares of stock held by them respectively set against their several names, and that said committee be instructed to present said book on the 29th inst. to the President and Directors of the Bank, that they may take such order upon it as to them seems fit and proper.

Whereupon the Chair appointed John S. Riddle, John A. Brown, George F. Randolph, William Newell, and Edward Smith, the Committee.

In conformity with the above resolution, on motion of Andrew M. Jones, the following resolution was adopted:

Resolved, That a copy of the proceedings of this meeting be handed to the President of the Girard Bank, and that the same be published in all the city papers.

EDWARD SMITH, Chairman.

WM. NEWELL, Secretary.

GIRARD BANK.

The undersigned Committee, appointed at a meeting of the Stockholders of the Girard Bank, held at the Banking House on the 17th March, 1834, give notice to all the Stockholders who approved the annexed pre-

amble and resolutions adopted at the meeting, that a book is now open at the Merchants' Coffee House to receive their signatures, and that said book will remain open daily until the 28th inst., inclusive, under the superintendence of the committee.

JOHN S. RIDDLE,
JNO. A. BROWN,
GEO. F. RANDOLPH,
WM. NEWELL,
EDWARD SMITH,
Committee.

GIRARD BANK MEETING.

Girard Bank, March 17, 1834.

At a meeting of the Stockholders of the Girard Bank, held this day, Jas. M. Linnard was appointed Chairman, and James Rogers and John F. Stump, Secretaries.

The following resolutions were offered by Edward D. Ingraham, and adopted by a large majority as the voice of the meeting.

Whereas, this General Meeting of the Stockholders of the Girard Bank in the city of Philadelphia has been called after public notice, in relation to the Government Deposits, and other business connected with that institution, and

Whereas, the Stockholder, at their last general meeting in November last, subsequent to the contract made by the President and Directors of the Bank with the Secretary of the Treasury in relation to the government deposits, did unanimously approve of the management of said institution by the President and Directors.

Resolved, That this present meeting does also fully approve of the conduct of the president and directors in the general administration of the institution, and especially in relation to the public deposits, and does hereby request them faithfully to continue to execute the contract made with the Secretary of the Treasury in relation to the same.

Resolved, That this meeting has entire confidence that the president and directors of the Girard Bank have administered, and will continue to administer the affairs of the institution with strict impartiality, unconnected with any political questions existing between the Government and the Bank of the United States, and solely with a view to the just interests of the Stockholders and the community.

Resolved, That in the opinion of this meeting, a large deposit of 1,300,000 dollars, whether public or private, is of decided advantage to the Bank and the community—to the Bank, because it will yield a certain interest of 60,000 dollars per annum, being 4 per cent. upon the whole capital—to the community, because it will enable the Bank to extend additional facilities to the trading interests.

Resolved, That this meeting deprecates the idea of withdrawing so large an amount from the use of this community, and giving of it to a sister city, and the consequent loss of the interest which would otherwise be disbursed among ourselves, and which will incontestably be the case if the contract with the Secretary of the Treasury be rescinded.

Resolved, That in the opinion of this meeting, the call under which we are now assembled, originated in political motives only, and without reference to the best interests of the country.

JAS. M. LINNARD, Chairman.

JAMES ROGERS, } Secretaries,
JOHN F. STUMP, }

EARLY NAVIGATION.—As we predicted in our last, lake Erie is free of ice and navigable, from this port upwards. If the Pennsylvania canal were completed to this place, we might have, this spring, from four to six weeks the start of Buffalo and the Erie canal, for doing

business—worth to this state at least one-half of the expense of all the work necessary for the completion.—*Erie Observer, March 1.*

RIVER NAVIGATION.—A number of arks and rafts from the North and West Branches have descended the Susquehanna this Spring. The arks from the head waters of the West Branch, laden with the bituminous coal of Clearfield county, met a ready sale at 17 cents the bushel. This is an advance upon the former price of bituminous coal, and is such as to warrant the active prosecution of mining and transporting this description of coal to a large extent. The mines are inexhaustible, from a few miles above the mouth of Bald Eagle, to the sources of the West Branch.—*Harrisburg Chronicle.*

THE REGISTER.

PHILADELPHIA, MARCH 22, 1834.

In the present number we have commenced the insertion of two very able reports, on highly interesting subjects, viz: that of the Committee of Ways and Means, by Mr. Keating, on the Currency and Finances of the State: and the report of Mr. Packer, one of the Committee appointed by the Senate last Session, to visit the Coal regions of the State.

The largest collection of inhabitants of the City and County, that has probably ever been witnessed, took place in Independence Square, on Thursday afternoon, pursuant to public notice, to express their views of the present alarming and distressing crisis—in public affairs. The number present has been variously estimated at from 40 to 60,000. About two-thirds of the whole Square appeared to be well filled, and near the stage the crowd was so dense, that (an officer informed us,) it was necessary continually to supply many persons with water to prevent their sinking under the oppression, caused by their confined situation. Our limits will not permit an insertion of the proceedings of the meetings, or an account of the numerous processions, this week. In our next number we hope to present a full account of both.

Within the last ten days two important churches have been deprived of their pastors by death, viz. the German Reformed Church, in Crown street, of the Rev. Dr. Gilbert R. Livingston, on the 9th inst.; and St. Stephens' Church, in Tenth Street, of the Rev. Dr. James Montgomery, on the 17th inst.

On the 15th inst. the new Protestant Episcopal Church, in Twelfth street, at the corner of Cherry street, called "Grace Church," was consecrated by the venerable Bishop White; and on Sunday was regularly opened for worship. The Rector is the Rev. Samuel C. Brinckla.

Printed every Saturday morning, by Wm. F. Geddes, No. 9, Library street, Philadelphia.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 13. PHILADELPHIA. MARCH 29, 1834. NO. 325.

REPORT ON THE COAL TRADE.

(Continued from page 189.)

THE SECOND, OR BEAVER MEADOW, SHAMOKIN AND MAHANAY COAL FIELD.

The particular localities of this coal field are not so well defined as those of the first and third. Occupying the summit, or highest ground between the waters of the Lehigh and Schuylkill, and the Susquehanna, in the midst of the dense chain of mountains, extending across the entire country between these streams; and being consequently farther removed from the eastern market, it has not been so fully explored nor its resources so extensively called into requisition. Sufficient information upon the subject is possessed, however, to enable us to trace its general features, and to justify the belief that it is a distinct and independent formation, forming, as it has recently been termed the "back bone" of the anthracite coal deposit of Pennsylvania. It is also equally susceptible of access; and if the improvements now contemplated and in progress in this region be completed, and the measures hereafter suggested by the committee be adopted, its mineral wealth can be thrown into market upon terms equally favourable.

The second coal field lies at an average distance of about ten miles north of the first; runs laterally with it, ranging nearly an east and west course, is about the same in extent of miles, and apparently similar in its geological character. It is enclosed or bounded by a continuous range of double mountain barrier, commencing about three miles west of the Lehigh, and ending in the forks of Mahanoy creek, in Northumberland county, about five miles east of the Susquehanna. The mountain by which it is thus enclosed, assumes various names, from the fact that different streams pass through it, or from other local circumstances. On the south, it is called the Spring mountain, which continues to the western extremity of the field, where it is called the Mahanoy and Bear mountain. On the north, it is called mount Yeager, Buck mountain, Catawissa mountain, Shamokin mountain, Zerby's Retreat, &c. &c. This chain or boundary is preserved at the western end of the basin, and also on the north and south, so far as it has been traced, with surprising regularity, interrupted only by the streams that break through it. The eastern end seems to be more irregular, the boundary being broken into fragments, and various small streams flowing through it into the Lehigh. The outer base, like that of the first coal field, exhibits a *red shale* margin, extending entirely around the field, and marking its extent with great precision. At the east end it is penetrated by Beaver Meadow creek, and Hazel run, emptying into Quakake, and also by Laurel run, Sandy creek, Terrapin pond creek, and other small streams, all emptying into the Lehigh, and affording out-lets, by rail road, for the coal of that part of the field lying between the Lehigh and the summit formed by the head waters of Tamaqua and Beaver Meadow creeks, embracing an area of about fifteen miles in length, and from five to six miles in width. On the north, it is broken through by Black creek, a branch of the Nescopeck, Catawissa, Roaring creek, Shamokin, and Zerby's brook, a branch of Mahanoy. On the south it is broken through below Girardville, by Big Mahanoy,

which passes along the south or outer side of the boundary, to its western termination, in Northumberland county, where it leaves it, and falls into the Susquehanna. It may therefore be said that there is no direct southern out-let from this district, the Mahanoy running west into the Susquehanna, and the Beaver Meadow creek east, into the Lehigh. The Broad mountain runs the entire distance from the Lehigh, to the Susquehanna, separating the first and second coal fields, and although considerably depressed by the west branch of the Schuylkill, above Coal Castle, as well as at some other places, it is broken through only by the head waters of Tamaqua; and perhaps this valley will in time afford the most eligible route for that portion of the coal of the district, west of the Beaver Meadow summit, and east of Girardville. The Tamaqua and Beaver Meadow creeks, rise within the short distance of one hundred and thirty-two feet of each other; and the whole ascent from the Beaver Meadow mines to the summit or top of Spring mountain, is two hundred and sixty feet, and the descent from thence to the town of Tamaqua, at the commencement of the Little Schuylkill rail road, one thousand and twenty feet. The mind of man is not, however, in this age of improvement, confined to ravines, nor the meanderings of crooked streams. No obstacle that nature has placed before him seems to be regarded, and accordingly we find rail roads constructed over our highest mountains, and others in progress, running not over one mountain only, but crossing transversely all the mountains interposing between the waters of the Schuylkill and the Susquehanna, and the Susquehanna and the Lehigh. The Danville and Pottsville rail road, designed to connect the Schuylkill navigation at Pottsville, with the Susquehanna at Danville, and Pennsylvania canal basin at Sunbury, was projected in 1826, and is now completed as far as Girardville, on the Mahanoy creek, about ten miles north of Pottsville. The death of its chief patrons, the late Stephen Girard, who subscribed two hundred thousand dollars to the stock of the company, and Gen. Daniel Montgomery, with whom the project originated, has retarded for a time the completion of the work. When finished, it will pass through the heart of the first and second coal fields. The most difficult part of it, including the tunnel and inclined planes, is now completed, and will be ready for the transportation of coal, as soon as the mines on Mahanoy, now owned by the city of Philadelphia, shall be fully opened. From Girardville, this road will run a westerly direction; and from the Shamokin summit, pass some eight or ten miles farther through the coal beds of this region, and following the valley of Shamokin, intersect the basin of the Pennsylvania canal at Sunbury, thus affording another and most important avenue for tonnage to that canal. It will therefore be used, not only for the transportation of coal from the mines on either end, and to different markets, but as a grand thoroughfare for the merchandise, produce, general traffic of the country, and the agricultural supplies of the vast and rapidly increasing population of these two mineral districts; and when the spirit of liberality shall be as willing to allow, as public policy is now to dictate, the propriety of a free communication to the Chesapeake, the mineral treasures of Shamokin and Mahanoy will be found to contribute

their full share to the wealth of the State and the prosperity of her citizens.

This road being the only improvement yet completed in the second coal region, there has been no coal taken from the district to the eastern cities, excepting small quantities for the purpose of proving its character and quality. Several beds have been exposed in different parts of the basin, from which the blacksmiths and the neighboring country have for many years been supplied. No doubt exists either as to the excellence of its quality or its abundant quantity. It differs slightly, in its general appearance, from the coal of the first district; that of the western end, on Shamokin and Mahanoy, being very brittle, of a shining black colour, combustible, and exhibiting appearances resembling the *growths* of wood; while that of the eastern end, at Beaver Meadows, or a considerable portion of it, is *undulated* and of *conchoidal fracture*. It burns freely, some portions of it, (as in the first and third districts,) producing *white*, and others *red* ashes. The beds, so far as exposed, dip to the southwest, and some of them appear to be of extraordinary thickness. The mine now opened on Zerby's run, or Mahanoy, known by the name of the Oyster bed, when first discovered, presented, in an abrupt and steep precipice, jutting into the creek, the appearance of several strata of coal, with intervening earth and slate; but upon excavating these different strata, the intervening layers of earth were observed to grow thinner, and at a short distance to run out, leaving an unbroken body of coal, without any admixture, of fifty feet in thickness above the water level. There are other beds also on Coal run, and Shamokin creek, twenty-seven and thirty feet in thickness. The Beaver Meadow company's mine is about twenty-seven feet in thickness above water level, with small intervening strata of slate, and it has been traced to the depth of twenty-one feet below water level, without encountering any admixture or reaching the floor. Other beds are found to be no more than three and two feet, and some ten, twelve, fifteen and twenty feet in thickness. The basin has not been sufficiently examined to justify an opinion as to the precise thickness of the different strata. It is generally believed they are larger than those of the first district; yet it is possible that, upon more minute examination, they may prove not materially different.

The Beaver Meadow company have authority to construct a rail road from their mines to the Lehigh, and down the river to the Delaware division of the Pennsylvania canal. It may, however, depend upon the will of the Lehigh Coal and Navigation Company, and perhaps upon the course of policy which the Legislature may adopt in reference to the subject generally, whether it shall become necessary to make this road; and whether, if made, such negotiation between the State and the Navigation Company may not afterwards be entered into, as will accommodate the trade of the second coal district, and also the increasing trade of the upper country, and thus render the rail road in a measure useless and unnecessary.

During the recess, a communication was received from a committee appointed by a convention of delegates, representing several of the northern counties interested in the navigation of the Lehigh, asking an investigation of the grounds of complaint against the Lehigh Coal and Navigation Company. Conceiving that the Senate had not imposed upon the committee the duty of investigating all the charges, whether real or imaginary, that have from time to time been preferred against this company, and which were before another committee of the Senate at the last session of the Legislature, they directed their attention only to such facts as might, in their judgment, illustrate the effect of the acts and operations of the company (having mining and trading privileges,) upon individual enterprise, and the improvement and general prosperity of the country. For this purpose, certain queries were addressed to the committee of the Conyngham convention. Their an-

swers, as also such parts of the replies of the Lehigh Navigation Company as appear applicable to this branch of the inquiry, are inserted in the appendix, Nos. 19, 20, and 21, and present fully the views of the complainants.

The river Lehigh is the natural route to market for several of the northern counties. It was declared a public highway as early as 9th March, 1771. Private subscriptions were made at an early day to improve the navigation, and commissioners appointed by the same act to appropriate and expend the money. What amount was then raised is not known, but it may safely be presumed to have been very inconsiderable. The Legislature, by the act of 15th April, 1791, appropriated *one thousand pounds* to improve the Lehigh "from its junction with the Delaware so far up the same as the sum would admit;" and on the 27th February, 1798, a company was incorporated "for the purpose of improving the navigation," and a lottery authorised in aid of the improvement. It does not appear that any thing was done by this company in the way of improving the Lehigh, although the object was never lost sight of. By act of 7th March, 1810, commissioners were appointed to supply the places of those who were deceased, or had declined to serve; and on the 24th March, 1817, an act was passed for the general improvement of the State, which act authorized the Governor to subscribe for six hundred shares of the stock of the old company, to be paid as soon as a similar amount should be subscribed by individuals. At this time, or before the meeting of the next Legislature, the subject was taken hold of by Messrs. *White, Hazard and Hauto*, who, on the 20th March, 1818, obtained the passage of a law conferring upon them the right of improving the navigation of the Lehigh, which act repeals so much of the law of 1817 as authorized the governor to subscribe to the stock of the old company. So that the sum of one thousand pounds, is the whole amount of money ever appropriated by the State for the improvement of that river. It passed, by the act of 1818, into the hands of the present company, in a state of nature, and that grant was subsequently confirmed to them and their successors, by an act of incorporation of the 13th February, 1822, by the name of the Lehigh Coal and Navigation Company; at which time the company surrendered two-thirds of the tolls they were entitled to charge under the former law.

This grant was an extensive one; and although at this day it may be viewed by some as an extraordinary relinquishment of sovereignty, and a singular encroachment upon the natural rights of our citizens; it was at that time regarded as an inducement scarcely commensurate with the magnitude and the hazard of an enterprise which had long been projected, and repeatedly attempted, but which had as long been delayed, or as frequently baffled. Few other men or other companies, it is presumed, could have been found willing to commence the work upon less favourable terms, and much more extensive privileges would no doubt have been conferred by the state, had they been deemed essential to the accomplishment of the object. It conferred upon the company, with certain limitations, the sole jurisdiction of the river Lehigh, for the distance of eighty-three miles, and the free and uncontrolled use of its waters. So dangerous and hazardous was the natural navigation of the river regarded at that day, and so difficult was it to transport coal over the mountain from the first coal field to the stream, that the Mauch Chunk coal lands, now so valuable, were leased by the company for a period of twenty years for the payment of the rent of *one ear of Indian corn* annually.

The company first improved the river by artificial locks and other devices, at an expense of one hundred fifty-five thousand four hundred and twenty dollars. This improvement, being greatly interrupted by freshets, and failing generally to answer the purpose, the present navigation, admitted to be the best in the United States, was constructed at an expense of one million five hundred forty-six thousand ninety-four dollars and

ninety-six cents. The different rail roads and other improvements made by the company to the mines, &c. cost the sum of three hundred twenty-three thousand five hundred eighty dollars and twenty-seven cents. Repairs and other expenses, one hundred seventy-one thousand ninety-five dollars and ninety-one cents. Whole original cost of improvement two millions one hundred ninety-six thousand one hundred ninety-one dollars and fourteen cents. From the limited examination of the subject by the committee, they have not been able to perceive, that in the expenditure of this large sum of money in the completion of their works, and in the expenditure of an additional sum of about one million of dollars in carrying on the coal trade, the company have violated the letter of their acts of incorporation, or committed any act which would be deemed to amount to a forfeiture of their charter. They completed the lower grand division from Nesquehoning to the mouth of the Lehigh, 48 miles, nine years before the time limited for its completion, and have commenced the upper division within the seven years prescribed by law for that purpose. Nor is it pretended they have imposed higher rates of toll than the law authorizes them to charge. It is argued, however, that they have laid exorbitant tolls for the purpose of prohibition, and that this amounts to such abuse and misuse of their charter, as would justify the Legislature in resuming the grant. The committee think otherwise. So long as the company keep within the provisions of the law, and do not assess a higher toll than the law permits them to receive, they may impose it either for the purpose of prohibition, or for the purpose of remunerating the stockholders for their large expenditures. Their acts and not their motives must determine whether they have or have not forfeited their chartered privileges. Whether they have adopted a wise or erroneous policy, which, by grasping after large tolls, may prevent them from receiving any, is a question between them and the stockholders. And even if the grant, as is contended with ability by the convention were unconstitutional, still the Legislature, having conferred the power upon the company for the accomplishment of a great public object, and the individuals so authorized having in good faith executed the trust, and expended their substance in pursuance of the law, the state would be bound in equity to see them out, and to remunerate them for any loss which they might sustain by reason of a decision of the proper tribunal that the Legislature had exceeded the authority, and that the charter was of consequence null and void.

The company, therefore, having in nowise violated their chartered privileges, the issue is, in the opinion of the committee, not between them and the people, but between the people and the Legislature. We are thus led to inquire, how the people have been affected by this legislative grant, and what are the natural consequences resulting from it? That the people at large have enjoyed many benefits which they otherwise would not have enjoyed, cannot be denied. The country in consequence has been to some extent improved—large sums of money have been, and continue to be yearly expended, passing into the hands of the labourer and the mechanic, and a permanent market is created in the mountains for all the produce of the farmer. The river Lehigh, formerly a wild, rugged and dangerous stream, has been converted into a safe, permanent and excellent navigation. These are some of the many advantages conferred by the grant upon the public. Let us inquire whether it may not be turned to still greater advantage, and by subverting the views of the many, instead of those of the few, become productive of greater good—and whether instead of retarding, it may not become the means of improving and enriching the whole face of the northern territory of the state—of converting the wilderness and barren mountains into usefulness and value, and of augmenting the trade and strengthening the resources of our metropolis.

Every charter or act of incorporation, is to a greater or less extent, an infringement upon the natural rights and liberties of the people—and their natural tendency is to monopoly. As an auxiliary or additional stimulant to this inherent principle of corporate bodies, the Lehigh Coal and Navigation Company possess, by express legislative grant, the privilege of mining and transporting coal—a power which, when connected with an improvement depending alike upon its tolls for support, must ultimately prove its own bane, and become injurious to the interests of the community:—and this, by the strong inducement that is presented to the company to monopolize the trade, and to keep down competition. Companies, like individuals, will endeavour always to pursue their own interests; and if they believe they can realize a greater profit by engaging themselves in a particular branch of trade than by relying upon tolls accruing from the produce of others engaged in the same business, they will of course embark in the trade, and endeavour to monopolize it. They will not be willing to furnish upon equal terms facilities to their competitors of the same trade, nor allow them upon even ground “to plough with their own oxen.” They will, unless prevented by their charter, raise their tolls so high as to exclude him from market, and throw every other obstacle in the way. This is a state of things naturally resulting from the operations of incorporated companies possessing these powers; and the great and radical error of former legislatures in reference to this subject has been, in the opinion of the committee, the blending of trafficking privileges, with the authority to construct canals and rail roads, which, instead of being great and free communications for the accommodation of the whole country, belong to private companies, with authority to use them for their own benefit, and to lock up or open at pleasure the resources of a whole valley or community. The Schuylkill navigation and the improvements at Pottsville, when contrasted with those now under consideration, abundantly demonstrate the correctness of this position. And yet, had similar privileges been considered necessary to ensure the completion of the work, they would no doubt have been conferred by the Legislature upon the Schuylkill Navigation company; and of course a policy similar to that pursued by the Lehigh Company would have been adopted. But, coal was not then regarded as an object of much importance, the company, as appears from their memorial, having in view, primarily, the lumber and agricultural trade of the Schuylkill valley.

While the committee therefore deprecate the policy of uniting trading privileges with the authority to make public rail roads and canals, (believing that this constitutes the strongest grounds of opposition to such companies,) and while they believe that the Lehigh company might have adopted a course of policy more conducive to the public prosperity and convenience, as well as to their own interests, they are of opinion that any other company might have pursued a similar policy under like circumstances; and that if the people on the Lehigh have been subjected to hardship or inconvenience, it has been done *according to law*; and perhaps few other companies, with powers and privileges of like extent, would have exercised them with greater lenity or with more advantage to the public. No complaints are known to exist, excepting in relation to the transportation of coal. Indeed, if the public had any assurance that the policy of the company would remain as now established, there would be little necessity for legislative interference. They have reduced their tolls on coal for 1834, from one dollar and three cents to seventy-three cents a ton, for forty-six miles. They have thrown open to sale, lots in the town of Mauch Chunk, “free from any restrictions on the business or occupations of purchasers.” Churches, store houses, and shops have recently been erected, and mechanics of all descriptions are now established in the town, and begin to breathe the air of liberty. But the affairs of the company are

managed by a board of directors. The present stockholders as well as the directors, may soon be succeeded by others with different views and different feelings. Those of the next year may reverse the proceedings of their predecessors; and it is not to be expected that individuals will this year engage in the coal trade in the second coal field, or construct rail roads from the mines to the canal, when next year, by a single resolve of another board of directors, the policy may be changed, and upon a sudden rise in the coal market, or from any other cause, their coal be prohibited by high tolls from passing upon the canal. It is on account of this state of fluctuation and uncertainty that the country above Mauch Chunk, on the Lehigh, has thus long remained a howling wilderness, without population; the second coal field without miners, and the contemplated improvements to connect the Lehigh with the north branch of the Susquehanna, so long delayed. These improvements, so vitally important to the northern section of the State will never, it is feared, be made, while the Lehigh navigation remains in the hands of an incorporated company, holding and exercising mining and trading privileges.

Then, is there any remedy—any healing in the law for this malady—any measure which, while it shall render full justice to those who have expended their money and their labor upon the faith of our laws, may restore the people to their natural rights, bring forth the mineral resources of another section of the state, increase our population, and open another avenue to the city of Philadelphia for a trade which has hitherto sought a different and a more distant market? The rates of toll as at present established on the Delaware division of the Pennsylvania canal are a half a cent a ton per mile, or thirty cents per ton from Easton to Bristol, sixty miles; and the complainants suggest the propriety of imposing the same rates of toll upon the Lehigh coal passing upon this canal that the company charge on the Lehigh navigation, and thus bring them to terms,—or, in other words, to put in force the law of retaliation. At first view there would appear to be some equity in this; but, another thought will demonstrate its entire inexpediency. It would evidently have a tendency to drive the coal out of the Pennsylvania canal into the Morris canal commencing at Easton and extending to Newark, in New Jersey, or into the bed of the river to the navigable feeder of the Delaware and Raritan canal, twenty-five miles below Easton, through which it might pass twenty-two miles to Trenton—thence in sloops to Philadelphia, or by the main canal from Bordentown to New Brunswick and to New York. The State would therefore not only lose the tolls on the Mauch Chunk coal, but it might after all be well doubted whether the people owning coal lands above would build up improvements and engage in the coal business upon the strength of a tenure so fragile, and a guaranty so novel and precarious. Besides, our public improvements, having been constructed at the common expense, and with the joint funds of the people, and for the equal benefit of all, it would seem to be invidious and unjust to compel one portion of citizens to pay a heavier tax than those of another.

The committee therefore, without entering more minutely upon an investigation not immediately contemplated by their appointment, but viewing the subject as closely identified with the best interests of the Commonwealth, are led to the conclusion that the State ought to adopt the only alternative which appears to be free of difficulty or doubt:—the purchase of the Lehigh navigation. In the act of 1818, the Legislature reserve the right to purchase after the expiration of thirty-six years, and also to forfeit the charter in case of misuse or abuse. What was the object of the first reservation? Either that, at the expiration of thirty-six years, the company would be fully compensated for the expense and cost of the work, and its profits and advantages become too great and their power and patronage too extensive to be wielded by a chartered monopoly, and

that consequently they might become injurious to the public interests; or, that in the more advanced state of population and commerce, it should be required for more general purposes, and ought therefore to revert to the State for the common use and benefit of her citizens. It cannot for a moment be supposed that the reservation meant nothing, and that the State intended forever to relinquish to a private company all jurisdiction and control over so important a stream, and so extensive and valuable a territory. Should either of these events occur before the expiration of thirty-six years, the same reasons will exist, in fact, for the interposition of the Legislature. It is suggested also, that even in the absence of misuse or abuse on their part, the State may, by an arbitrary act of legislation, resume all the immunities and privileges of the company, and deprive them of their rights of property; that this high prerogative is lodged in the people and may be exercised by their representatives, whenever the sacrifice is required for the public good, giving at the same time full compensation for the property taken, or establishing a tribunal to ascertain by law the quantum of damage sustained—that it is inconsistent with our ideas of legislation and sovereignty, to believe that the Legislature can create a power greater than itself, or one that may control, and forever set its authority at defiance—that the distinctions between the rights of artificial and natural persons is more fancied than real, and that there is nothing more sacred, in the immunities of a charter than in the vested rights of the citizen in his lands and buildings which he has purchased from the State to be enjoyed by himself, and dying, to be transmitted to his children; and yet the State by an arbitrary act of legislation freely takes the one and the other whenever and wherever it may be required for public purposes—and more than all prescribes her own terms and her own time for making reparation to the injured party. To some of these positions the committee fully assent. If the State have not the power to take the property of a corporation when required for more general purposes, our public works must stop short whenever they reach a borough line. They agree with the company that “our courts of law are the proper tribunals to decide the constitutionality of a charter,” but they insist that it is for the Legislature to determine whether the farther exercise of the corporate powers of a company, (whether this reservation be contained in the charter or not,) be inconsistent with the paramount interests of the public—and if so, to resort to the chancery powers vested in them by the Constitution, “to grant relief in equity as shall be found necessary.” In the present case, however, it is not necessary to enter upon grounds so debatable. Whatever may be the nature of the grant—the rights of the company and the powers of the Legislature, the State is bound to respect them, and in good faith to preserve them inviolate. It is not necessary to adopt a measure the expediency of which can be at all questionable. The company are willing to sell their canal, reserving their mining privileges, and the committee are unanimously of opinion that the State ought to purchase. Those acquainted with the local situation of the eastern end of the first coal field, and the lands owned by the company will be satisfied that although individual means might be adequate to the task, yet that no individual in his private capacity, would be willing at this day, to undertake the transportation of coal, to any considerable extent, over the mountains from the mines to the Lehigh. As a coal company, therefore located at this place, they may with safety and for the purpose of beneficial competition be allowed to remain. Then, how are we to be benefitted by the purchase? In the first place,—

The State will again be put into possession of the valley of the Lehigh, and by uniting the Lehigh navigation with the Delaware canal a free and permanent communication will be opened from the three great anthracite coal fields of Pennsylvania to the sea board. This is a

sufficient inducement; but it is not all: A communication will be opened through which will pass the various and valuable productions of the Wyoming valley, of the north branch of the Susquehanna, of the Genessee river and the lakes; and the people inhabiting a large portion of our great rival be placed several miles nearer to Philadelphia than their own city, New York. This trade will be drawn to our own city—our merchandise and our coal will be readily received in exchange, and the tonnage upon the whole secured to our own canals. The improvements designed to connect the Susquehanna with the Lehigh, hitherto prevented by the uncertain or unknown policy of the company will immediately be made. A canal, it is ascertained by actual examination may be made from Berwick, on the north branch of the Susquehanna, by the valley of the Nescopeck to the Lehigh; and a rail road from Wilksbarre to the mouth of Wright's creek, a distance of fourteen miles only is practicable, and would doubtless be placed under immediate contract. The rail road from the Beaver meadow mines to the Lehigh would be prosecuted to immediate completion, and other rail roads from various parts of the second coal field would soon be seen to intersect the canal and pour their treasures into market. A population, equal perhaps to that of the first coal district would soon grow up in these now barren and desolate mountains. In this, there is no fiction. We see that such things have real existence; and the truth is practically demonstrated by the experience around us, that the state can never go wrong in constructing or purchasing a canal or rail road, leading from or passing through a coal region. Nor would a company err in doing so, were the navigation thrown open to the free exercise of individual enterprise and competition.

Again, the state ought to own the Lehigh canal for another reason. The Delaware division of the Pennsylvania canal, from Easton to Bristol, sixty miles, cost the state one million, four hundred and thirty thousand, two hundred and eleven dollars and eighty-five cents, the annual interest of which at five per cent. is seventy-one thousand, five hundred and ten dollars and fifty-nine cents. The Morris canal, commencing on the opposite side of the river, as also the Delaware and Raritan canal and other improvements contemplated in New Jersey will be found greatly to increase the coal trade of the Lehigh. By uniting the Lehigh and Delaware canals a proper share of this trade would be secured; and there can be no doubt that in a few years the coal alone will pay the interest of the whole sum invested in both canals. In 1832, the Mauch Chunk company paid to the state in tolls on the Delaware canal, seventeen thousand, six hundred and forty-six dollars and sixty-one cents, and in 1833, notwithstanding the breaches in the canal forced many thousand tons to take the river in arks, thirty-one thousand, nine hundred and forty-one dollars, and sixty-eight cents, a sum nearly equal to half the interest of its original cost. The Lehigh navigation is admitted to be superior in all respects to any other work of a similar nature in the United States. The work is executed in the best manner, and its banks have now become solid and permanent and of course will require but little repairs. It is forty-five feet at bottom, sixty feet at surface, and contains five feet depth of water. Its locks are twenty-two feet in width and one hundred feet clear in the chambers, and are calculated for single boats of one hundred and fifty tons, or double boats of seventy five tons burden. It is forty-six miles in length, with forty-seven lift and six guard locks, and nine dams. The whole lockage from Mauch Chunk to low water in the Delaware at Easton is three hundred and sixty feet. Its original cost, including damages, &c., is one million, five hundred and forty-six thousand ninety-four dollars and ninety-six cents and including former river improvements, upper and lower sections, clearing channels, &c., one million, eight hundred and seventy-two thousand, six hundred and ten dollars and eighty-seven cents. The same work would perhaps have cost the state double this sum. The company are obliged by their charter to

improve the river Lehigh as far as Stoddartsville, and a release from this duty would of course be an important consideration in a negotiation for the purchase of their navigation. The committee are not authorized to communicate to the Senate the precise sum for which the company will agree to convey, not having entered into any direct correspondence upon this point; but are authorized to say that they will take in payment the certificates of debt, without putting the state to the necessity of raising the money, and further, "that they will guarantee, for the ensuing five or seven years, that the tolls on coal from their mines alone shall pay annually seven-tenths of the interest of the purchase money, and more, if the tolls amount to more." Assuming for the purpose of illustration, that the purchase at present would amount to two millions of dollars, seven-tenths of the interest would be seventy thousand, and the remaining three-tenths thirty thousand dollars. This latter sum, therefore, exclusive of the ordinary expenses, is all that would be required, from all other sources, to meet the interest of investment. Can it be for a moment believed that the immense resources of the second coal field, and the vast trade of the north, would not pay in tolls the sum of thirty thousand dollars annually? The history of the times, and the practical experiments of the day dispel every doubt upon the subject. Let us not be intimidated by the present depression, (momentary it is hoped) in the pecuniary affairs of the state. Let this circumstance rather urge us to adopt such measures as will place the state beyond the reach of embarrassment—out of the danger of internal as well as external commotion, and upon that high eminence in the scale of the Union, which she is entitled to occupy, and to which she has the power to ascend. By judiciously fostering our mineral resources, we may place the state upon a basis too solid to be shaken. Our coal and our iron will be found to constitute an inexhaustible source of wealth; and the surest indemnity for our vast state and individual expenditures. Allow them freely to put forth their strength, and the gloom that now hangs over our public improvements will speedily vanish, and our public debt be rapidly diminished, and in time entirely discharged. The committee therefore, respectfully, but earnestly recommend, by every motive of state policy, the purchase of the Lehigh navigation, and with this view suggest the propriety of adopting a resolution requesting the company to state specifically the terms upon which they will agree to convey.

The whole quantity of coal mined in the second district during the last year, may be estimated at five hundred tons, which has been hauled in wagons, &c. from the mines to supply the neighboring districts.

A company has also been incorporated for making a canal or rail road from the mines on Mahanoy and Zerby's run to the river, which will, it is believed, afford one of the most eligible outlets for the coal of the second district. The road may either follow the Mohanoy valley from the mines to the river, or pursue a more direct course, along the foot of the mountain, crossing the second boundary directly to the Pennsylvania canal, into which the coal may enter by the construction of an out-let lock near the middle creek aqueduct, below Selingsgrove. Recently, indications of coal have been discovered at this point in the second barrier, within the distance of one mile from the river.

(To be continued.)

REPORT ON THE CURRENCY OF THE STATE.

(Continued from page 185.)

But there are, as connected with the withdrawal of the public deposits from the Bank, other and more important considerations than those which result from the curtailment of its means of usefulness. In the opinion of the committee a great violation of public faith has been committed. The trust which had been reposed in the controlling power of the law has been impaired.

We have lived to witness a stretch of power hitherto unparalleled in the history of our government. The committee deem it unnecessary to discuss here the terms of the charter of the Bank, and the right which it has to the public deposits. Suffice it to say, that their opinion upon this point conforms to that expressed by the committee of Finance of the Senate of the United States, whose argument appears to them unanswerable. Viewing the question in this light, the committee are of opinion, that public confidence in the security of our institutions, and in the all-ruling power of the law, cannot be fully restored, until the hasty step shall be retraced, and the Bank of the United States replaced in the enjoyment of its chartered rights.

In considering the influence produced upon the credit of the Commonwealth, by the disordered state of our currency, it is easier to discover its causes, than to measure its effects. It would be a very superficial and imperfect view of the subject to consider the loss to the State, as indicated merely by the difference between the present prices of our stocks and those which they formerly commanded both at home and abroad. It is known to the committee, that about this time last year, the largest importers of European manufactures, (whether for the use of our public works, or for individual consumption) had no better or more desirable mode of remitting their funds to England, than by sending out certificates of Pennsylvania five per cent. stocks of 1858; purchased even at an advance of from fourteen to sixteen per cent. in this market, for which they found a ready sale in the London Exchange. For this purpose, they were eagerly sought after in our market in February, 1833; at present they lie at par, and even below this, without a purchaser, a dead weight upon the holder of them. In Europe they are no longer in demand. Upon this point the committee express a decided opinion, because the original letters from houses of the greatest respectability in London, that have been extensively engaged in the sale of Pennsylvania stocks, have been confidentially communicated to them; and from these they were permitted to make a few extracts, which are placed in a note. In order to estimate the value of these letters, it is well to bear in mind, that they were not written by politicians for political effect, but by commercial men of great intelligence and shrewdness to their correspondents in this country, as a guide for future speculations. The first extract alludes to the publications of the list of foreign stockholders in the Pennsylvania loans, made last winter under the authority of the Senate.* In a letter from London of December 21st, an English Banker observes that they "wish no more consignments of American stocks at present," and the same writer observes, that we must not for a long time look to the prices of the year 1832. It is a fact known to the committee, that large quanti-

ties of stocks which were sent to England to meet bills of Exchange have remained unsold and they are aware of cases even, in which Stock has returned to this country. In one instance, it is believed not less than three hundred thousand dollars was received by one house in a single day; which may be viewed as an actual abstraction of a like amount from the floating capital of the country, applicable to all the exigencies of trade and industry.

An opinion has prevailed with the narrow-minded and prejudiced, (and the committee fear that it has even been entertained by men of stronger intellect or more information on general matters, but who had not sufficiently reflected upon this subject,) that the investment of foreign capital in this country would be destructive of our property or of our independence. In what manner it can injure one who needs money to borrow it, where he can obtain it on the most advantageous terms, is a question which the committee profess themselves unable to answer. The affairs of states and nations generally depend upon the same principles which govern the intercourse of individuals. Who is there among us who would hesitate to sell a mortgage to a stranger, if he could thereby obtain money on more favourable terms than from a neighbor? Who, in the hour of need, would not prefer borrowing from a stranger the assistance he required in his business, than, by taking it from his brother, to cramp the resources of the family, and prevent the improvement of the family estate? If in borrowing on low terms, the operation be not equally advantageous to both parties, upon whom is the favour conferred? upon the borrower or the lender? If in the course of years, a future war should check the intercourse between the foreign loan holder and his debtors, upon whom will the risks and difficulties of the non-intercourse press most, upon the foreigner who may be unable to claim his semi-annual interest, or upon the Commonwealth in whose coffers it will remain idle until claimed?

Is it not the part of wisdom to accumulate our resources for the hour of need? and how can this be better effected than by permitting the floating capital of our country to be applied exclusively to the promotion of individual commerce and enterprise; drawing from the foreigner as much as we can of that which we need for our great public works. The committee have endeavored to estimate the amount of foreign capital now invested in the public stocks in this country. Impossible as it is to arrive at any accurate information on this subject, they are led to believe that it can not fall short of fifty millions of dollars, of which about ten millions are invested in the Pennsylvania loans, and about eight millions in Bank of United States' stock. (On the 1st of January, 1832, the stock held by foreigners in that Bank was \$8,405,500.) Had it been necessary to draw all this capital exclusively from our own citizens, must it not have been by a withdrawal of a similar amount from the active capital of the country? Must not some fields have remained unimproved, some furnaces been inactive, some factories not been created, some roads or canals been neglected, all of which are now adding to the strength and resources of the State? It is not, therefore, merely by the difference in the price of interest paid for money among the overgrown nations of Europe, or in our new and improving country, that we are benefitted when we borrow from the foreigner. This is but a small part of the advantage received. It is chiefly in the introduction of new capital, which, if our measures of administration wisely fostered it, would pour continually into the country, as from an inexhaustible feeder, supplying every deficiency in this country, and making the foreigner dependent upon us, not us dependent upon him.

Looking into futurity, with that anxious solicitude which recent events are calculated to excite, are we not struck with the fact, that if indeed a change is to come on in the form of our government, that if our Union is

* Extracts from letters from ——— bankers in London to ———

"We will here mention and draw your attention to Cobbet's Register of 10th of August, reflecting most falsely and severely on the Pennsylvania loans; it is not however this we mind, but he names from a New York list the European holders of this loan. This is interfering with private interests, and we deem a decided breach of confidence of which the Pennsylvania Bank, and the officers, who superintend transfers, should be made aware as preventing persons of consequence in England to invest, who do not like such disclosures.

In another letter we find."

"\$25,000 Ohio, 6 are offered for sale at 113 per cent — \$45,000 of Penna. 5. of 58 at 104. The tendency is to sell American Stocks.—People express themselves disgusted with the President's conduct towards the Bank. The people as well as the public papers express apprehensions, that your monetary system is to be deranged. You may be certain, that it is not without serious pain we felt compelled to say so much."

to be dissolved, (an event once thought too improbable ever to occur, but upon which later observations are calculated to excite distressing forebodings,) is it not evident, that in such a case, Pennsylvania, surrounded as she will then be, by powerful and enterprising but rival states, will need all her resources, and all her energies, to be prepared for the new situation in which she may then be placed? In that hour, (distant we hope, but we fear not altogether so remote as some have supposed,) it will be well for Pennsylvania that her own strength and prosperity shall enable her to cope with her great rivals. It will be well for her, if the statesmen of that day should be able to point to her steady and unwavering adhesion to the great principles of public faith and public honesty, (not only in her own state administration, but in the exercise of her political influence in the councils of the Union,) as an evidence, that she, as a nation, will then deserve the confidence of the world. Comparing the condition of the credit of the United States shortly after the formation of our Government, with that of many, if not of all the new republics of Span-America at this time, we find conclusive evidence, that public credit depends exclusively upon public faith. The high standing of our loans, (both federal and state loans) in Europe, was based upon the confidence which was placed in the stability of our institutions, and in the high moral tone of the principles of our government, compared with those which have usually actuated the councils of European monarchs. Previous to the late measures in relation to the Bank of the United States, a single instance, perhaps, of a breach of implied faith could be traced in the disappointment produced by the refusal, in 1811, to re-charter the old Bank of the United States, after having but a few years before sold at a very high advance to foreigners, all the stock remaining in the hands of government.* But the creation of a new bank, in 1816, was considered as an acknowledgment by the whole Union of the impolicy of the measures adopted but a few years before, and of a disposition to avail ourselves of the lessons of experience, and to retract hasty or ill-advised steps.

By the resolution of the 20th of December last, the committee were also directed to "inquire how far the public interests might be promoted by the continuation of the operations of the Bank of the United States, under a charter from this Commonwealth, should its present charter not be renewed by the United States."

This is an inquiry involving very grave considerations, presenting some decided advantages, and giving rise at the same time to serious doubts. In the opinion of the committee, it would be inexpedient to prejudge the question, before a case actually calling for a decision shall occur; but they will present some of the observations in relation to the same, which mature and anxious reflection has suggested.

The case is not altogether a new one. Shortly after the expiration of the charter of the first Bank of the United States, a memorial was presented "from the trustees of the late Bank of the United States on behalf of the Stockholders, praying that they may be incorporated for the full amount of their original capital, with permission to employ any portion of it in such other state or states as may by law authorize the same."†

* When the first Bank of the United States was created, the government of the United States retained 5,000 shares, representing \$2,000,000.

In 1796-7, they sold at an advance of 25 per cent. 2,493 shares, which yielded, \$1,295,800

In 1797, they sold 287 shares, at 20 per cent. advance, 137,760

And in 1802, they sold to Mr. Baring their remaining interest, say 2,220 shares, at an advance of 45 per cent. 1,287,600

Total proceeds of sale, \$2,721,160

† Journal of the House of Representatives, March 18, 1811.

The memorial was, by a vote of 51 to 35, referred to a select committee, who soon after reported a bill to that effect, which was considered and negatived in committee of the whole; the House having agreed to the report of the committee of the whole, by a vote of 55 to 34, no further proceedings in relation to it were had that year. At the succeeding session the application was renewed, and met with a like fate. From the contents of a protest entered on the journals of that session, (January 25, 1812,) we learn that the bank offered to subscribe half a million of dollars to sundry works of great public utility, such as turnpike roads to Pittsburg, to Waterford in Erie, to Reading, &c.; and also, "to loan to the commonwealth at any time during the continuance of the charter, the sum of five hundred thousand dollars, at an interest of five per cent. per annum, for the purpose of aiding the interior improvements of the state." No further application was made; the old bank wound up its affairs, the funds that had been invested in it by foreigners returned to Europe, and the finances of the country soon fell into that disorder and confusion, which shortly after led to the cessation of specie payments on the part of our banks; and from which, no relief could be obtained, until the creation of a new bank restored confidence, and with it, specie payments.

In enquiring into the question before us, we must consider the Bank of the United States as it now is; the rights secured to it by its charter and the extent to which these rights might be continued under a state charter.

It may be viewed as a banking corporation with a capital second in magnitude to one alone in the world; endowed with a national character; bearing to distant nations the impress of a national institution; in the direction of which the Government of the United States is largely represented; whose operations are closely watched and may, under certain stipulated circumstances, be checked by the government; with power to be heard, both as plaintiff and defendant, before the national tribunals; exempt from state taxation and state regulations invested with the privilege of establishing branches "wheresoever the directors shall think fit within the United States or the territories thereof;" recognized by law as the collector, depository, distributor, and payer of the revenues of the Union; issuing a paper currency, which by law is made receivable in payment of all debts to the Government of the United States.

In addition to these, its inherent advantages secured to it as its creation, it enjoys in a high degree the confidence and attachment of all those engaged in commercial or financial transactions, who have dealt with it, not only at home but also abroad; not on this continent, alone, but likewise in the remotest corners of the world. As an evidence of the extent to which this confidence has been carried, the Committee ask leave to state one or two facts well known to them. For many years past, while the governments of Spanish America were the scene of frequent changes of rulers, and of occasional revolutions involving the fortunes and credit of the commercial men of the country, great difficulties and risks were experienced in the purchase and sale of bills of Exchange. And such as had money to remit to those countries were unwilling to purchase bills [however good the drawers here might be,] lest they should be protested abroad. In such a case it was once suggested to deposit the money in the Bank of the United States, and to take drafts of the mother Bank upon one of its branches, for the amount payable at sight. The transaction proved to be a highly advantageous one. Such was the confidence in the character of the institution, that these and subsequent drafts of a similar nature, commanded a high premium in the foreign market, and were sold several per cent. higher than the best private bills in the country. The reputation of the bank is still so high, that a person recently returned from Mexico

reports, that United States Bank notes of \$100 are at a premium of four per cent. In the island of Cuba these notes are constantly in demand at two per cent. advance, for the purpose of remittances; and a highly respectable merchant in Philadelphia has assured the committee, that "when in London, he saw bills of Exchange of the United States Bank, drawn on London, that had been negotiated in Canton, and had before reaching London, been transmitted as remittances to Manila, Batavia, Calcutta, Madras, Alexandria, Marseilles, Hamburg, &c. &c. and after circulating for twenty-eight or thirty-two months, throughout the Eastern Hemisphere, made their appearance in London where they were paid?"

Such are the character and standing of this institution, recognized by all commercial men throughout the world, and second to none in the importance and magnitude of its operations, in the fidelity and ability of its direction, in the purity and brilliancy of its unsullied honor.

Identified as these have been with Pennsylvania, by its location in this state, it becomes an object of great interest to inquire, how far these advantages could be perpetuated under a state charter? To an extent, in the opinion of the committee, great at first, but which must gradually decline.

The corporate title being preserved, its name would for a while identify the new with the old bank, and secure to it at least the appearance of a national institution; but this impression, as in the case of the Bank of North America, would gradually wear away, until it became merely a matter of history or tradition.

The power to establish branches would be subordinate to the will and caprice of four and twenty (or more) state legislatures: and although there is no doubt that, at first, many, perhaps a majority of the states, certainly more than a third, would cheerfully extend to it free and liberal charters; yet, in the course of time, these would be so altered or fettered with restrictions, (the result of local jealousies,) as to convert them into gifts of very questionable value.

Its right to be heard before the tribunals of the Union, is, perhaps, if maturely weighed, one of its most valuable and essential privileges. To those who reflect upon the fluctuating character of the judiciary of the several states, and upon the tendency of all our institutions, the importance of our national tribunals becomes more apparent. There is scarcely an individual, largely connected in the business of the country, who has not had occasion to lament, at times, that local, sectional or temporary excitements should obscure the vision even of the most intelligent, upright, and independent judges; producing contradictory decisions on most important questions of law. Every individual, conversant with our law reports, may find instances, in which cases, under the Constitution of the United States, have received different adjudications, according to the prevailing opinions or wishes of the several states, by whose tribunals the questions were considered; and this may be said without any disparagement of the learning and integrity of the eminent men who composed those tribunals. How indispensable is it then to a Bank of the United States, that, extending its operations throughout the whole Union, it should have the right to claim the protection of tribunals, not swayed by local interests, or affected by sectional questions. So long as the national judiciary shall maintain the lofty eminence which it has heretofore occupied, thus long will its authority be essential to a Bank of the United States. This is a privilege, which, under a state charter, could not be secured to the bank.

The collection and safe keeping of the revenue form another important branch of the privileges essential to a national bank. Without it, it would be unable to maintain that influence over the currency of the country, and over our domestic exchanges, which are amongst the most valuable blessings we owe to it;

without it, it becomes questionable, to what extent distant branches would really be useful. The experience of our state banks, in relation to branches, is believed to be unfavourable; whether branches, out of this state, would be maintained with security, while the currency of the country was in a state of disorder, is at least a matter of doubt.

Without branches, or with but a few, the Bank of the United States would be deprived of those extensive sources of information, that have enabled it to foresee, and provide in time, for the ever varying wants of the community. In the opinion of the committee, these means of information, and the consequent results of it in the hands of an intelligent direction, upon the domestic exchanges of the country, have greatly promoted our prosperity.

It may also be feared, that the other states would soon create similar institutions, invested with a like power to establish branches, wherever legislative sanction for it could be obtained. Two or more institutions of this kind might, in the words of an experienced adviser, "only aggravate existing evils, and increase the dangers which threaten our banking system and paper currency."

Such are, in the opinion of the committee, some of the evils to be apprehended from the continuance of the bank under a state charter; and some of the limitations to the usefulness of such an institution. But, on the other hand, it must be borne in mind, that the valuable information and experience acquired by the bank and its officers, and their extensive acquaintance and correspondence throughout the Union, would be long preserved within the walls of that institution; enabling it, even under a state charter, to cope with other state corporations. That for many years (one generation at least) it would be the depository of the confidence of foreigners; who (should the present bank go down) will beware, how they again trust their funds to the fluctuating policy of Congress, which twice (under circumstances of aggravating severity) lured them into a snare. In this respect the consistent and upright policy of Pennsylvania, which has uniformly renewed the charters of her banks, would stand in bold contrast; they would remember, that with us the limitation in a charter is not viewed as indicating a doubt as to the propriety of continuing a bank, which has been well administered, but merely as a check against mal-administration, as a means of revising periodically our banking laws, according to the increased experience of each generation.

In this manner, the large capital of the Bank of the United States, with its ten millions of specie, and its eight millions of foreign capital, would become as it were, the property of Pennsylvania; aiding us in our exigencies, vivifying our industry, permeating every channel of commercial enterprise, contributing, by a fair but moderate tax, largely to relieve us from the burthens of taxation; since our usual tax of eight per cent. on the dividends would amount, upon dividends of six per cent. to no less than \$168,000 per annum, admitting the whole capital to be continued; while our tax on personal property would considerably swell that amount. Besides, the bank will be both able and willing to facilitate the execution of all our great works, by loans of money to the state, or to such chartered companies, as may be authorized by laws under proper regulations, to borrow from it. In granting the charter, a bonus of perhaps a million of dollars or more might be obtained. Pennsylvania will continue to be the monied centre of the Union, and the advantages resulting therefrom to her citizens, individually and collectively, must be immense.

After much deliberation, the committee conclude, that such a measure, whatever might be its tendency in relation to the Union at large, or however restricted its benefits to the bank itself, could not fail to present

strong inducements to the state; and to deserve at least, a very serious consideration.

If the present Bank of the United States is to expire, we may, from past experience, and even from the actual sufferings of the community, consider it as an inevitable consequence, that we shall soon be exposed to that fearful condition of affairs, so fully and truly pictured by Mr. Dallas in the letter, which, as Secretary of the Treasury, he addressed to the Committee of Ways and Means of Congress, under date of October 17th, 1814, in which we read:

"The condition of the circulating medium of the country presents another copious source of mischief and embarrassment. The recent exportations of specie have considerably diminished the fund of gold and silver; and another considerable portion of that fund has been drawn, by the timid and the wary, from the use of the community, into the private coffers of individuals. On the other hand, the multiplication of banks in the several states has so increased the quantity of paper currency, that it would be difficult to calculate its amount, and still more difficult to ascertain its value, with reference to the capital on which it has been issued. But the benefit of even this paper currency is in a great measure lost, as the suspension of payments in specie, at most of the banks, has suddenly broken the chain of accommodation, that previously extended the credit and the circulation of the notes, which were emitted in one state, into every state of the Union. It may, in general, be affirmed, therefore, that there exists at this time no adequate circulating medium, common to the citizens of the United States. The monied transactions of private life are at a stand, and the fiscal operations of the government labour with extreme inconvenience. It is impossible that such a state of things should be long endured, but let it be fairly added, that with legislative aid, it is not necessary that the endurance should be long." * * "The establishment of a national institution, operating upon credit combined with capital, and regulated by prudence and good faith, is after all, the only efficient remedy for the disordered condition of our circulating medium. While accomplishing that object, too, there will be found under the auspices of such an institution a safe depository for the public treasure, and a constant auxiliary to the public credit." *

These were the words (may they be to us words of warning and advice) of Mr. Secretary Dallas, a Pennsylvanian, who, during the whole term of his public services in Washington, never lost sight of the real interests of Pennsylvania.

As the Bank of the United States is not now before us, applying for a charter, and as it still has about two years of active operations to go through, after which it will have two additional years to wind up its affairs; and as the members of the twenty-fourth Congress must all be elected before the expiration of the charter, the committee conclude that the further consideration of the subject at this time, at least during the present session, would be premature. The day may come, when as a measure of self-defence, it may be the duty of Pennsylvania to entertain it.

The committee have another duty to perform, which is to advert to the present condition of our Treasury. While the measures proposed by the committee on inland navigation and internal improvement, are still undecided upon, it would be premature to express an opinion, as to the extent, to which monies will be required to meet the appropriations of the present year. But it is evident, that if a great change be not soon produced by some prompt and decisive measure of Congress to restore public confidence, the state must resort to taxation, and that very heavily, to extricate itself from the difficulties in which it is now placed. Unpopular

as this course may be, it will be inevitable, and the committee will not hesitate for a moment in bringing before the house such a system of taxation, (however burdensome,) as may be required to meet the current demands of government, to provide for such appropriations as the legislature may be pleased to make, and chiefly to preserve inviolate the faith of the commonwealth, to her creditors. This, though the last mentioned, is, in the opinion of the committee, the first duty of every legislator; in moments like these, it is dictated by expediency and policy, but, at all times, and under all circumstances, it is a duty enjoined upon the legislature by the most sacred obligations.

As soon therefore as the probable amount of expenditures shall be ascertained, a bill providing for the more efficient collection of old taxes, and for additional new ones will be reported.

In the meanwhile, the governor has recommended, "to the general assembly, the propriety of passing a law, forthwith authorizing a call upon the several state banks, which by their charters are bound to loan to the commonwealth five per cent. upon their capital actually paid in, for a compliance with that provision."

The committee have taken this recommendation under consideration, and regret, that they do not coincide with the Governor in his views on this point. In order, however, to manifest their respect for the Executive of the State, and to afford to the House an opportunity of deciding upon it by a direct vote, they have prepared, and herewith report a bill in conformity with the wishes of the Governor.

Their objections to the measure are founded upon a conviction, that, at this time, it would be extremely oppressive, primarily upon the banks, and ultimately, upon the people at large. The committee can account for the different views entertained by them on the subject, from those expressed by the governor, only by supposing, that, as he states in the introduction of the message, "that recent events have produced a change in the pecuniary relations of the commonwealth, so sudden and unexpected," &c. he may not previously have had the same motive to inquire into this question as themselves. To them the changes are neither sudden nor unexpected. They were foreseen, and their gradual progress has been marked. The committee believe, that our banks have, at no time, been in a condition less likely to enable them to meet such a call. A statement prepared by the auditor general, for the use of the committee, is hereto annexed; exhibiting the amount which each bank liable to the call, will have to pay. The committee have added another table, exhibiting the proportion of circulation to the capital of each bank, and of specie to the circulation of each, prepared from the reports of the 5th of November last. They regret, that the want of more accurate and minute information, and especially of any of recent date, prevents them from entering into a full consideration of this subject. But the committee cannot forbear calling the attention of the House, to the difficulty with which the temporary loan was obtained, as a proof of the condition of our banks; it is believed, that in all cases, where an amount was contributed, it was, rather as an act of generous self-denial, than from any conviction, that the course was either prudent or desirable. At a time like this, with so heavy a pressure upon the community, the banks have no other way of complying with a call, than by increasing the difficulties of the present hour. They must do it, either by adding to their circulation, or by calling in their discounts. In the first place, the experiment would be a dangerous, and for many of them, an unwarrantable one. It will be seen, that out of twenty-five country banks, ten had but from ten to fifteen cents in specie for every dollar of paper money, while the range of all was from ten to forty cents, and in one instance alone, (the York Bank,) to fifty-eight cents. In the banks of the city and county of Philadelphia, the proportion ranges from eighteen to fifty-eight

* For further extracts from Mr. Dallas' letter, see appendix E.

cents in the dollar. The average of all our banks is twenty-eight cents. In the country banks, the circulation is to the capital from fifty-nine to three hundred per cent: a point which the committee deem an extreme one. The Philadelphia banks have a circulation of from 15½ to 128 per cent. of their capital, and the average of all our banks is sixty-one per cent. In a moment like this, when the cessation of specie payments is threatened, and when we may in some measure be exposed to serious losses from the rottenness of some banks, out of this state, which have thrown out millions of paper money, based upon less than 4 per cent. of specie, no prudent direction should, we think, be disposed to increase its circulation. To exhibit the nature of an operation of this kind, the committee state, that in one or more cases, where the state banks had contributed to the temporary loan, the notes issued, for this purpose, were thrown back upon the bank for payment within a few days only of the date of their emission, and thus the loan was equivalent to a sudden drain of as much from the specie, or other resources of the banks.

If the five per cent. be not obtained from increased circulation, it must be by a curtailment of discounts, an operation extremely distressing at this time of universal pressure. It would probably involve in ruin many who now barely struggle against the present hour. In a letter, written to a member of this committee, by the president of a bank in the interior of Pennsylvania, under date of the 23d of February, it is stated, that "If the state at this time should call on the banks for aid, it would much add to the existing embarrassments. Their drafts on their borrowers are now generally, as heavy as can be well met, but if they are forced to lend the state, the money must come from the people, and the pressure will constantly be increased." These views are shared by the committee.

In the present difficulty, it would be impossible to realize any immediate assistance from taxes; the proceeds of which must of course flow in gradually: but the committee believe, that all the evils we now labor under, could be readily removed by such an expression of legislative wishes, as would be heard by our representatives in Washington, who like those of Virginia, in a similar case, would not hesitate at once to yield all private views to the great interests of the State. The recall of the hasty measures, which have produced these embarrassments, the expectation held out, that the currency of the country would, by ulterior measures, founded upon salutary experience, be rescued from total deterioration would produce an immediate change in our affairs. Our banks would be relieved from the fear of bankruptcy, confidence would soon be restored; the causes of the pressure being removed, its effects would soon disappear; the credit of the State, its ability to borrow would be met by a corresponding ability to lend to it; our works of internal improvement might be repaired or completed, so that the increasing tolls would replenish the treasury of the State. This, in the opinion of the committee, is the true and legitimate way of removing the present evils, and of sustaining the credit of the Commonwealth.

The committee have thrown into an Appendix various statements and extracts, which they consider as appropriate to the occasion, and in conformity with the reasons before alleged, though entirely disapproving of the expediency of the passage into a law, they report a bill, entitled, "An Act authorizing a call upon the Banks of this Commonwealth for a loan of five per cent. of her capital paid in."

APPENDIX

To the Report of the Committee of Ways and Means.

A. List of banks liable to be called on for a loan of

five per cent. upon capital paid in, prepared by the Auditor General.

B. Table showing the relation between the capital of the banks in the State of Pennsylvania and their notes in circulation; also showing the proportion between their notes out and the specie held by them, made from the report of the Auditor General to the Legislature, January 5, 1834, the state of the banks was made up November 5, 1833.

C. Table exhibiting the proportion of specie to the circulation of the Safety Fund Banks in the State of New York, Jan. 1, 1834.

D. Balances due from banks in the City and Liberties of Philadelphia to the bank of the United States.

E. Extract of a letter from Mr. Secretary Dallas, to Mr. Eppes, Chairman of the Committee of Ways and Means, dated 17th Oct. 1814.

A—List of Banks liable to be called on for loan of five per cent. upon their capital paid in, prepared by the Auditor General.

Girard Bank	\$1,500,000 00	\$75,000 00
Commercial Bank of Pa.	1,000,000	50,000
Schuylkill Bank	991,145	49,557 25
Mechanics' Bank city and county of Philadelphia	700,000	35,000
Western Bank of Philada.	408,470	20,423 50
Southwark Bank	250,000	12,500
Bank of Penn Township	249,720	12,886
Bank of the N. Liberties	246,850	12,342 50
Manufacturers & Mechanics' Bank of Philada.	237,665	11,883 25
Kensington Bank	199,500	9,975
Moyamensing Bank	125,000	6,250
Bank of Germantown	152,000	7,600
Farmers' Bank of Bucks county	60,000	3,000
Doylestown Bank of Bucks county	30,000	1,500
Northampton Bank	124,640	6,232
Easton Bank	298,770	14,938 50
Wyoming Bank	58,135	2,906 75
Bank of Northumberland	100,000	5,000
Miners Bank of Pottsville	199,870	9,993 50
Farmers Bank of Reading	300,360	15,018
Bank of Montgomery county	133,650	6,682 50
Bank of Delaware county	104,350	5,217 50
Bank of Chester county	210,000	10,500
Farmers Bank of Lancaster	400,000	20,000
Lancaster Bank	139,102 50	6,955 12
Columbia Bridge Company	395,000	19,750
Lebanon Bank	58,615	2,930 75
Bank of Middleton	75,195	3,759 75
Harrisburg Bank	158,525	7,926 25
York Bank	168,720	8,436
Carlisle Bank	203,475	10,173 75
Bank of Gettysburg	122,333	6,116 65
Bank of Chambersburg	257,032 51	12,851 62
Bank of Pittsburg	568,565 50	28,428 27
Merchants & Manufacturers Bank of Pittsburg	174,845	8,742 25
Monongahela Bank of Brownsville	107,271	5,363 55
Erie Bank	25,640	1,282
	<hr/>	<hr/>
	\$10,534,444 51	\$526,722 21

B.—TABLE shewing the relation between the capital of the banks in the State of Pennsylvania, and their notes in circulation; also showing the proportion between their notes out, and the specie held by them; made from the Report of the Auditor General to the Legislature, January 6th, 1834. The state of the banks was made up November 5, 1833.

Names of Banks.	Capital.	Notes in circulation.	Per cent. on capital.	Specie.	Per cent. on notes
Pennsylvania,	2,500,000 00	839,418 61	33	308,440 19	37
Philadelphia,	1,800,000	281,644	15.6	163,977	58
Girard,	1,500,000	466,220	31	113,697 90	24
Farmers' & Mechanics',	1,250,000	338,030	26	149,604 05	44
North America,	1,000,000	253,585 13	25.3	103,365 82	40
Commercial,	1,000,000	281,462 49	28.1	148,789 62	53
Mechanics',	700,000	619,506	88.5	192,874 93	31
Schuylkill,	991,145	460,045 50	46.4	120,783 62	26
Western,	408,470	321,020	80	104,532 67	33
Southwark,	250,000	173,830	70	83,011 82	50
Manufacturers' & Mechanics',	237,665	304,495	128	86,561 06	28
Northern Liberties,	246,850	314,099	127	106,373 07	34
Penn Township,	249,720	289,165	116	51,172 46	18
Germantown,	152,000	79,820	52.5	22,609 36	28
Moyamensing,	125,000	109,590	88	41,586 73	38
Kensington,	199,500	151,585	75	43,694 91	30
COUNTRY BANKS.					
Farmers' Bank of Bucks county,	60,000	95,939	160	9,384 24	10
Doylestown,	30,000	85,585	283	34,580 14	40
Northampton,	124,640	229,436	184	30,663 83	13
Easton,	298,770 00	341,604 40	114	46,820 26	14
Wyoming,	58,135	89,930	155	15,149 28	17
Northumberland,	100,000	259,830 10	260	30,929 89	12
Miners'	199,870	117,870	59	15,959 32	13
Farmers Bank of Reading,	300,360	268,412	89	94,010 95	35
Bank of Montgomery county,	133,630	183,399 50	137	54,674 87	19
“ Delaware county,	104,350	109,786	105	26,748 75	24
“ Chester county,	210,000	246,903	117	52,571 70	20
Farmers' Bank of Lancaster,	400,000	255,970 78	64	52,557 17	20
Lancaster Bank,	139,102 50	166,745	120	29,434 07	17
Columbia Bridge Company,	395,000	173,225	44	33,711 95	20
Lebanon Bank,	58,615	149,630	257	41,167 11	27
Bank of Middletown,	75,195	226,570	300	33,009 05	15
“ Harrisburg,	158,525	361,186 10	228	58,708 13	11
“ York,	168,720	172,760	102	100,133 62	58
“ Carlisle,	203,475	159,382	79	20,846 72	13
“ Gettysburg,	122,333	100,165	82	40,755 53	41
“ Chambersburg,	257,032 51	209,348	81	45,089 51	21
Manufacturers' & Mech's of Pittsburg,	174,845	154,270	90	15,367 11	10
Pittsburg Bank,	568,565 50	568,620	100	186,498 32	32
Monongahela Bank,	107,271	292,375	272	29,182 59	10
Eric Bank,	25,640	62,775	250	10,075 84	16
	\$17,084,444 51	\$10,366,232 61	{ 60.6 Av. pr. ct.	\$2,909,105 66	{ 28 Av. pr. ct.

C.—Table exhibiting the proportion of specie, to the circulation of the safety fund Banks, in the State of New York, January 1, 1834.

Country Banks.	per cent.	Country Banks.	per cent.
Buffalo	21	Livingston county	6
Mohawk county	20	West Chester county	5
Albany	19	Onondago	5
Mechanics & Farm.	12	Auburn	5
Steuben	11	Canal Bank	5
Jefferson county	10	Central	5
Cayuga county	10	Seneca county	5
Lockport	10	Ontario and Branch	5
Newburg	9	Monroe county	5
New York state	9	Poughkeepsie	4
Orange county	8	Tanners	4
Rome	8	Herkimer county	4
Ogdensburg	8	Chenango	4
Troy Bank	8	Madison county	4
Troy city	8	Salina	4
Lansingburg	8	Saratoga county	4
Chataque county	8	Yates county	4
Lewis county	7	Wayne county	4

Farmers & Mech's.	7	Otsego county	2½
Merchants & Mech's.	7	Broome county	3
Essex county	7	Geneva	3
Genessee	7	Chemung canal	3
Brooklyn	6½	Catskill	3
Utica and Branch	6	Hudson river,	2
Whitehall	6	Ulster	2½
Schenectady	6	Ithaca, (a little over)	1
Montgomery	6		

Note.—The twelve last named banks, have notes in circulation to the amount of upwards of \$2,700,000, and have only \$80,463 in specie.

New York City Banks.			
	per cent.		per cent.
America	97	Leather Manuf'rs	23
Phoenix	49	Merchants	22
Seventh ward	41	New York	21
Mechanics,	59	Greenwich	19
Merchants Excl'g.	36	Union	18
City Bank	35	Butchers & Drovers	15
National	32	Mechanics & Traders	9
Tradesmen's	27		

D.—Balances due from banks in the city and liberties of Philadelphia to the Bank of the United States.

	<i>days,</i>		<i>daily average,</i>
1833. January,	26	\$4,711,668	\$181,218
February,	24	2,759,809	114,996
March,	26	3,270,552	125,779
April,	26	11,105,994	427,153
May,	27	6,079,585	323,644
June,	25	8,895,996	355,840
July,	26	409,561	15,752
August,	27	3,721,352	137,828
September, 25		7,609,490	304,379
October,	27	8,144,497	301,648
November, 26		2,315,080	89,042
December, 22		7,470,352	339,561
307 days		66,493,436	average 216,591

Since the Deposits were removed.

	<i>days,</i>	
October, 27		8,144,497
November, 26		2,315,089
December, 22		7,470,352
75 days		17,929,938 average daily, 239,066

E.—Extract of a letter from Mr. Secretary Dallas, to Mr. Eppes, chairman of the committee of Ways and Means, dated 19th October, 1814.

"In making a proposition for the establishment of a national bank, I cannot be insensible to the high authority of the names which have appeared in opposition to that measure upon constitutional grounds. It would be presumptuous to conjecture that the sentiments which actuated the opposition have passed away; and yet it would be denying to experience a great practical advantage, were we to suppose that a difference of times and circumstances would not produce a corresponding difference in the opinions of the wisest as well as of the purest men. But in the present case, a change of private opinion is not material to the success of the proposition for establishing a national bank. In the administration of human affairs, there must be a period when discussion shall cease, and decision shall become absolute. A diversity of opinion may honourably survive the contest; but upon the genuine principles of a representative government, the opinion of the majority can alone be carried into action. The judge, who dissents from the majority of the bench, changes not his opinion, but performs his duty when he enforces the judgment of the court, although it is contrary to his own convictions. An oath to support the constitution and the laws, is not, therefore, an oath to support them under all circumstances, according to the opinion of the individual who takes it, but it is emphatically, an oath to support them according to the interpretation of the legitimate authorities. For the erroneous decisions of a court of law, there is the redress of a censorial as well as of an appellate jurisdiction. Over an act, founded upon an exposition of the constitution, made by the legislative department of the government but alleged to be incorrect, we have seen the judicial department exercise a remedial power. And, if even all the departments, legislative, executive and judicial, should concur in the exercise of a power which is either thought to transcend the constitutional trust, or to operate injuriously upon the community, the case is still within the reach of a competent control, through the medium of an amendment to the constitution, upon the proposition, not only of congress, but of the several States. When, therefore, we have marked the existence of a national bank for a period of twenty years, with all the sanctions of the legislative, executive and judicial authorities; when we have seen the dissolution

of one institution, and heard a loud and continued call for the establishment of another; when, under these circumstances, neither congress nor the several states have resorted to the power of amendment—can it be deemed a violation of the right of private opinion, to consider the constitutionality of a national bank as a question forever settled and at rest?"

GREAT AND IMPORTANT MEETING.

At a most unprecedentedly large and respectable meeting of the Democratic citizens of the city and county of Philadelphia and all who are resolved to defend the Constitution and Laws, against executive usurpation, held in the State House Yard; on Thursday afternoon, March 20th, 1834. The following citizens were appointed officers;

President,

DANIEL GROVES, Esq.

Vice-Presidents,

William Wagner, Northern Liberties.

Alexander Cook, City.

Benjamin Nagle, Northern Liberties.

Gen. A. M. Prevost, City.

John Britton, Blockley.

John Green, Germantown.

Gen. John D. Goodwin, Northern Liberties.

Alexander Quintin, Roxborough.

Henry H. Miller, Spring Garden.

John Boileau, Lower Dublin.

Charles Penrose, Southwark.

Arundus Tiers, Kensington.

John Lentz, Passyunk.

Jacob M. Thomas, Moyamensing.

Peter Pastor, Oxford.

John M. Ogden, Spring Garden.

Dr. George De Benneville, Germantown:

To which are added, the Chief Marshals of the various trades and processions.

Secretaries,

Charles J. Jack, City.

William M. Kennedy, Northern Liberties.

Thomas Roach, Unincorporated N. L.

D. Henry Flickwir, Southwark.

Franklin Comly, Moreland.

George Myers, Spring Garden.

Peter A. Brown, Esq. moved the following resolutions, which were unanimously adopted.

We, a portion of the free people of the United States, having met together with no object but the public good, and with a fixed determination to preserve the constitution, and defend the liberties of our common country—do solemnly resolve and declare—

1. That in us, and our fellow citizens of the United States, the sovereignty of this nation abides, that from us and our fellow citizens, all lawful power must proceed, and that it is equally our duty and our right, to watch over the agents, whom we have entrusted with power, and to rebuke them when guilty of negligence, misconduct or usurpation.

2. That Andrew Jackson, as President of the United States, has evinced a settled disregard for the Constitution and the Laws, that he has broken the national faith, trampled on the rights and interests of the People, and endeavored by the overthrow of all other departments of the Government, to unite all power in his own hands.

3. That the removal of the public deposits from the Bank of the United States, was an assumption of power not confided to him by the people, an usurpation dictated by passion and executed to gratify his vindictive feelings.

4. That to this unlawful and unnecessary act, to the course which he and his government and his Banks have since pursued, and to the consequent destruction of public confidence, we attribute the unexampled distress

now pervading the community, the disarrangement of the currency, the depression of commerce, manufactures and the mechanic arts, the low price of agricultural products, and the almost total suspension of our public improvements.

5. That we have neither faith in the motives, nor hope from the result of the President's experiment, to substitute a number of scattered Banks for a single National Institution. It has already failed of its ostensible objects; and we fear it is a means by which the whole monied power of the country, may be placed at the disposal of a corrupt Executive.

6. That public confidence cannot be restored, nor the National honor kept sacred, without an immediate order for the restoration of the deposits to the Bank of the United States.

7. That the veto power, now claimed and exercised by the President of the United States, is a gross perversion of the original design of the framers of the constitution, in conferring a veto power upon the chief magistrate of the nation.

8. That the conduct of the President and those who support him in Congress, or elsewhere, exhibit a determination to place his will above the opinions or interests of the people, and thus to convert our once free and happy republic into an absolute and oppressive despotism.

9. That looking to the practice of men, and not to their proceedings, we cannot recognize the Jackson party, a party ruled by the will of one individual whom they consider *born to command*, as the Democracy of the country.

10. That in the independent portion of our fellow citizens who have arrayed themselves against Executive usurpation, who compose a large majority of the bone and sinew of the nation, and with whom we are proud to be numbered, we recognize the true friends of the people and therefore the only real Democratic party.

11. That the present crisis demands of every citizen, who loves the constitution, and would preserve the liberties of his country, the utmost firmness and devotion in the common cause. When the highest and dearest interests of all are threatened, none can refuse his labor and his voice—where *all* is at stake, every thing must be periled—every thing dared to save it.

12. That as a means of concentrating the efforts of all who agree with us in opinion throughout the state, and making that opinion felt hereafter at the polls, we approve cordially of the proposed convention to be held at Harrisburg on the 22d day of May next.

13. That to the present Congress, we look for an exercise of independence worthy the crisis, and of the trust committed to its care. Of that Congress we demand the safety of the republic.

14. Resolved, That it is the *right* of the people to have access at all times to their servants, however high their stations—that to deny such access savours of royalty—and does not comport with the plain manners and republican habits of a republican people.

15. Resolved, That in the opinion of this meeting, the Congress of the United States ought not to adjourn until they shall have provided effectually for the relief of the distresses of the country, vindicate the constitution and laws so wantonly violated, asserted the dignity and authority of the representatives of the people, and secured the constitution and the currency against the lawless tampering of the executive, so that hereafter the well defined boundaries of our Republican institutions may be respected in practice, and the happiness of the nation not be made the sport of the will or passions of one man.

After an address from Samuel W. Rush, Esq.—Col. C. J. Jack, offered the following resolutions, which were adopted.

Resolved, That as members of a great confederacy, we abjure all sectional jealousies, but that as citizens of

Pennsylvania, we behold in the present conduct of those who rule the executive of this country—a plan to destroy the present Bank of the United States, and after the term of service of General Jackson shall expire, the certainty of establishing another Bank, to be located out of the State, whose stock will be divided among the members of an ascendant regency, whose management and direction will be made subservient to the ambition and intrigues of political aspirants, and whose consummation will finally complete the experiment of trying to unite the *purse* and the *sword* in one hand.

Resolved, That this meeting firmly believe that the citizens of this commonwealth, have been perfectly satisfied with the paper currency, existing in Pennsylvania, since the establishment of the Bank of the United States, that they have desired no change in it, and that if any change shall be made, they do most earnestly deprecate, the substitution of the New York Safety Fund System, by which a bank is authorized to issue notes to the amount of \$349,470, while it possesses in specie, in its vaults, no more than the sum of \$3,658! to redeem all the notes, issued by it and circulated in the community, as the representatives of a solvent and specie paying Bank.

Resolved, That we do solemnly protest against the friends of Gen. Jackson, assuming to themselves the title of the Pennsylvania Democracy, when they have avowed that we will support the opinions of one man, "whether right or wrong," and we do conscientiously believe, that if General Jackson should this day publicly announce his determination to return the deposits to the Bank of the United States, that the Jackson representation of this State in Congress would instantly support the measure; that the Jackson portion of the Legislature of Pennsylvania would add their hearty concurrence; and that the whole Jackson party throughout the United States would rejoice in their release from their present dilemma; and as instantly proclaim this last act of their chief, the most disinterested and noble deed of his life.

The following resolutions were presented by the different trades:—

By the Painters of the city and county.

Resolved, That Martin Van Buren deserves, and will receive the execration of all good men, should he shrink from the responsibility of conveying to Andrew Jackson, the message sent by the honourable Henry Clay, when the Builders memorial was presented to the Senate. I charge you, said he, go to the President, and tell him—tell him if he would save his country—if he would save himself—tell him to stop short, and ponder well his course—tell him to retrace his steps, before an injured and insulted people, infuriated by his experiment upon their happiness, rises in the majesty of power, and hurls the usurper down from the seat he occupies, like lucifer, never to rise again.

By the Builders of the City and County.

Resolved, That the amount of present and prospective employment for all branches of industry connected with the erection of buildings in the city and county of Philadelphia, has been affected to the extent of 75 per cent, compared with last year's business, by the present disastrous and ruinous measures of Andrew Jackson.

Resolved, That it is the solemn and deliberate conviction of those whose employment depends upon the erection of buildings, that the immediate restoration of the deposits, and the recharter of the U. S. Bank, are the only means by which confidence can be restored, lost faith recovered, and the late cheering prospect which animated and diffused its blessings throughout the whole community, regained.

Resolved, That the declarations of the representative to Congress, from Montgomery county, that the mechanics and labourers have hitherto been too highly favoured—that their prosperity has been too great—that

the bank has afforded them too many facilities—that they have been adding house to house, and that it is time they were put down, merits, and should receive the scorn and contempt of freemen, and indicates a mind so sordid, narrow and selfish, and so disgraceful to the feelings of humanity, and revolting to every sentiment of the heart, that we are almost constrained to ascribe them to the ravings of a maniac, rather than the expressions of a sane and thinking mind.

Resolved. That we now earnestly call upon all our fellow citizens to aid us, e'er it is too late, in our endeavours to put down, as speedily as possible, the alarming power claimed by the present chief magistrate, and to prevent, if possible, the prostration of our interests being consummated to satisfy the unbounded ambition of a military despot.

The committee take occasion to say, the foregoing expressions ascribed to Joel K. Mann, of Montgomery county, were used by him to a part of the builders' committee, late on a visit to Washington.

By the Hatters.

Resolved, That it is degrading to freemen, to wear the collar, or drag the chains of any man, whatever may have been his claims, upon the veneration and gratitude of the people.

That we behold in the blind servility of the supporters of Andrew Jackson, and his unprincipled warfare upon the currency of the country, not only a surrender of the dignity and the rights of freemen, but also, a basis on which, some political aspirant, may erect a despotism, which shall crush the last refuge and hope of freedom.

That the people assembled here, disclaiming all party considerations, pledge themselves as citizens of our common country, never to relax their efforts, until the supremacy of the Constitution and laws shall be acknowledged, and the protection of the government secured, in support of a sound and uniform currency, the sinews of the enterprise, wealth and prosperity of a nation of freemen, and we earnestly entreat the independent yeomanry of the country, to elect honest men, to represent them in Congress; that the President, may no longer be able to Veto the passage of Laws, enacted for the promotion of the general welfare.

By the Gold and Silver Artificers Watch Makers, and other branches of the Trade.

Resolved, That when the time arrives for an expression of our opinions by the Ballot Box—that we here declare our determination, to support no individual for office, who will not unite with us in tearing aside the flimsy veil which conceals the "Kitchen Cabinet," and expose them in all their naked deformity to the eyes of the nation, as objects fit only for the scorn and contempt of mankind.

By the Cordwainers.

This day, 22 years ago, was the great earthquake, at Carracass, and the meeting this afternoon, will cause a great earthquake with politicians according to interests, therefore, Resolved, that we, the Cordwainers of the city and county of Philadelphia, considering the name of Democrat, substituted for man worshiper, or going the whole hog, as deviating from the principles of 98, do agree as Republicans, to support principles instead of men, and shall consider this day as the beginning of the Second Republican era, of this country.

It was resolved, that the President of this meeting have power to appoint a committee of correspondence.

On motion, it was resolved, that the meeting approve of the delegates chosen by the city and county to the convention to be held at Harrisburgh, on the 29th of May. They are as follows:

FOR THE CITY.

John Sergeant,	Daniel Groves,
John M. Scott,	Joseph R. Ingersoll,
John S. Riddle,	Silas W. Sexton,
Wm. M. Meredith,	Bernard McCredy,
	Joseph Murray.

FOR THE COUNTY.

Northern Liberties—Wm. Wagner, Jos. Smith.
Spring Garden—David Woelpper.
Southwark—Nathl. C. Foster. George P. Little.
Moyamensing—T. M. Hubbell.
Kensington—Wm. Fitler.
Unincorporated Northern Liberties—Thos. Roatch.
Bristol Township—Wm. Wister.
Oxford Township—Geo. K. Budd.
Moreland Township—Franklin Comly.

The meeting adjourned after giving NINE cheers for the constitution.

From the Forester.

POTTER COUNTY.

It will be 23 years the 23d day of May next since I moved into Potter county. Old Mr. Ayres was in the county at that time; and had been in the county about five years alone. In the fall before I came, three families, (Benjamin Birt, Major Lyman, and a Mr. Sherman,) moved to the county. The East and West State Road was cut out the year before I moved in.

It was very lonesome for several years; people would move in, and stay a short time, and move away again. It has been but a few years, since settlers began to stick. I made some little clearing, and planted some garden seeds, &c, the first spring. We brought a small stock of provisions with us. On the 3d day of July, I started with my two yoke of oxen, to go to Jersey shore, to mill, to procure flour. I crossed Pine-Creek eighty times, going to, and eighty times, coming from mill; was gone eighteen days, broke two axletrees to my wagon, upset twice, and one wheel came off in crossing the creek.

Jersey shore was the nearest place to procure provisions, and the road was dreadful. The few seeds that I was able to plant the first year, yielded but little produce. We however raised some half grown potatoes, some turnips and soft corn, with which we made out to live, without suffering till the next spring. At planting time, when I planted all the seeds that I had left; and when I finished planting, we had nothing to eat but leaks, cow cabbage and milk. We lived on leaks, and cow cabbage, as long as they kept green, about six weeks,—my family consisted of my wife, and two children, and I was obliged to work though faint for want of food.

The first winter the snow fell very deep. The first winter month it snowed 25 days out of 30, and during the three winter months it snowed 70 days. I sold one yoke of my oxen in the fall, the other yoke I wintered on browse, but in the spring, one ox died, and the other I sold to procure food for my family, and was now destitute of a team, and had nothing but my own hands to depend upon to clear my lands and raise provisions.—We wore out all our shoes the first year, we had no way to get more, no money, nothing to sell, and but little to eat, and were in dreadful distress for the want of the necessities of life. I was obliged to work and travel in the woods barefooted. After a while our clothes were worn out, our family increased, and the children were nearly naked. I had a broken slate that I brought from Jersey shore. I sold that to Harry Lyman, and bought two fawn skins, of which my wife made a petticoat for Mary; and Mary wore the petticoat till she out grew it, then Rhoda took it, till she out grew it, then Susan had it till she out grew it, then it fell to Abigail, and she wore it out.

For several years my small crops were much injured by frosts, and fruit trees would not grow well, but for several years past, my crops have been seldom injured by frost, and my fruit trees grow and bear remarkably well. My land was given to me by John Keating, (50 acres.) I have now 16 acres only of cleared land on this farm.

My crops, late years, turn out to my entire satisfaction. I generally get from 30 to 50 bushels of corn to the acre, and from two ton, to two ton and a half of hay to the acre, other crops in proportion, except wheat, I have had but few good wheat crops.

I have now eleven in my family, have 16 head of neat cattle, 29 sheep, and have sustained some losses. My family have always been healthy here, and all that I have now, I have made here by hard work. I make my sixteen acres of cleared land produce the value of from 250 to 350 dollars per annum, in grain and hay. I have bought and paid for 50 acres, about 8 miles up the river, on which I have 8 acres cleared; on that farm I raise excellent wheat and rye. We make from 9 to 12 cwt. of tub sugar each spring, from about 300 trees.—We made one year, from 37 trees, 3 cwt. of tub sugar. I have on this farm, about 150 bearing apple trees, and 40 plum trees. I have endured great hardships here, but it is a healthy country; the water is pure, the land if well tilled produces good crops; the country has hitherto settled very slow, but population and improvements are increasing rapidly, and the prospects of the country are very encouraging, and I am perfectly contented with the country—and any steady, sober and industrious man can do well enough in this county. A poor man can go on to a new farm here and pay for it out of the proceeds of the crops, much quicker than he can buy a farm in an old settled country.

I raise on my small farm an abundance of all the necessities of life, and have always something to spare. Our children often cried for bread during the first years of our settlement here, but we have now bread enough and to spare, and all other needed temporal comforts, wherewith we are all contented and for which I hope we render a daily tribute of heartfelt gratitude.

For 23 years I have had no law suits, have not been a witness in any law trial, and have given but one note. I am a man of weakly constitution, but I think I have proven by fair demonstration that by industry and economy a man may live in Potter county.

The morals of the people have improved in proportion to the improvement of the country; until within a few years past, Potter county seemed to be a sink of iniquity; drunkenness and profanity, gambling, and Sabbath breaking, were the leading features of the state of society; but the scene is now happily changed, and enterprise, industry, sobriety, peace and good order, and religion, have gained the ascendancy. We now raise buildings without a drop of spirits being drank on the occasion, without any broils and contention, and without an oath. We have stated preaching, by different denominations, at Coudersport, and the Sabbath day is generally regarded. I am now in my sixty third year, and am about to settle all my concerns for time and for eternity. I have endeavoured to do my duty in all things—deal justly with all, and wrong no man—and if any man can say that John Peat owes him aught—that he has ever oppressed the poor—turned the stranger and needy away empty—pinched the hireling of his wages—or in any other way wronged any person—let him come forward and I will make satisfaction, to the utmost of my power, as I wish to go down to my grave in peace.

JOHN PEAT.

From the Ebensburg Sky.

THE PUBLIC WORKS.

The water has been let into the canals both east and west of the mountains and the boats will now commence their regular trips. The Portage Rail Road is nearly ready to receive the cars. We may then expect an active business. The stationary engines will be completed and the ropes laid upon the planes in a few days. All except one, will be finished this week.

We have had an opportunity of seeing the engine at plane number six, near Lemmon's tavern in full operation. This engine is placed at the highest summit, and

has attached to it an endless rope of five thousand nine hundred and fifty feet, by which the cars are to be raised up from and let down, along the inclined plane, to the level below. The turnpike road crosses this plane by a neat and substantial bridge, from which the passing traveller will often view, with admiration and delight, the apparent ease, the expedition and regularity with which heavy trains of cars will be drawn, to the summit of the Allegheny, by the powerful engine at the head of the plane. If he has passed over the mountain at that place a few years since, he will be astonished at the contrast. Then the mountain was surrounded with great difficulty by a steep and rugged road, now, it is ascended by a smooth and regular rail way. Then, the heavy teams labored long and arduously to bring up a light load, now immense burdens can glide swiftly up under the almost magical influence of steam.

So far as yet tried all the engines work well, and the manner of their arrangement and performance fully meets the expectations and wishes of all concerned. The machinery for regulating the speed of the engines, will give to the engineers perfect control over the velocity of descent, and will give full security against the occurrence of any accident. With ordinary care in attaching the cars to the ropes, there can be no risk to passengers or property in either ascending or descending the planes.

After the above was in type we received the notice of Mr. Jones, the superintendent, which is published in another column. By it, it will be seen that our anticipations will be realized at an early day. On Tuesday next the cars will be placed upon the rail way and operations thereon be commenced.

Extract from Mr. Jones' Notice.

Rates of Tolls

To be charged upon the Portage Rail Road.

	cents	mills
For each burden, or property car, independent of its loading, per mile	1	0
For each passenger car, per mile	2	0
For each passenger over 12 years of age transported in a car of any description, per mile	1	0
For children between six and twelve years of age, per mile	0	5
For all property conveyed on the Rail Road, double the rates of toll chargeable on the canal.		

S. JONES, Supt.

Office of the Portage Rail way }
Holidaysburg, March 12, 1834. }

THE FIRST BOAT.—On Friday last, the Canal Boat "Velocity," Capt. Hill, was loosed from her winter moorings, brought up to one of our wharves, and loaded, and the next day (Saturday March 8,) started for Johnstown.

Last year, the first boat left this place, (also for Johnstown,) about the 21st of February, but a change in the weather, immediately afterwards, put a stop to the navigation, which was not recommenced until the 16th of March, so that the boating season commences this year, eight days earlier than it did last year.—*Blairsville Rec. March 12.*

FIRST ARRIVAL BY THE PORTAGE.—We have, to day the pleasure to announce the arrival of the first lot of goods, by the way of the Portage Rail Road. Upon reference to the note from the Collector's Office, it will be seen that the Packet Boat *General Lacock*, Captain Craig, arrived this morning from Johnstown, with goods in thirteen days, from Philadelphia. These goods could now be sent to Detroit or St. Louis, before the New York Canal is opened.—*Pittsburgh Gazette of March 24.*

From the Commercial Herald.

AUCTION DUTIES.

Amount of Duties paid into the State Treasury by the different Auction Houses in the City of Philadelphia for four years.

1830.		
Quarter ending March 20	\$24,645	76
June 20	43,946	13
Sept. 20	23,440	16
Dec. 20	32,895	26
		124,927 31
1831.		
March 20	23,141	20
June 20	42,725	27
Sep. 20	28,829	12
Dec. 20	44,662	31
		139,361 22
1832.		
March 20	19,103	77
June 20	36,456	52
Sept. 20	13,574	23
Dec. 20	24,417	88
		93,552 40
1833.		
March 20	9,986	57
June 20	31,872	64
Sept. 20	13,494	53
Dec. 20	22,709	26
		78,063 60
1834.		
March 20	\$8,751	06

Thus, it will be seen that there has been a rapid decline in business. The difference between the receipts of 1831 and 1833, is upwards of sixty thousand dollars.

The following is the amount of the State duties paid by the Auctioneers for the quarter ending the 20th instant.

Wm. Folwell, jr.	2894	24
Geo. Thomas	2667	12
S. W. Lippincott	1781	00
James Burk	400	11
H. D. Mandeville	367	52
Wm. Baker	235	40
T. B. Freeman	209	42
C. J. Wolbert	121	82
J. D. Goodwin	40	54
S. Poulterer	33	89
Total	\$8751	06

THE STATE LOAN.

The loan of \$792,354 44 has been taken by John Moss, Esq. of this city. Another offer was made for it from an eminent European house; but altogether above par, not being as favourable as that of Mr. Moss, was rejected.—*Phila. Gaz.*

THE REGISTER.

PHILADELPHIA, MARCH 29, 1834.

On Thursday the parade of the Firemen took place, making a very brilliant display of their apparatus. We are promised by one of the marshals, a detailed account of the procession, for a future number.

The Memoirs of the Pennsylvania Historical Society to which we alluded in a late number, as containing

Campanius's history of New Sweden, has been published. In the same volume is a full account of the University of Pennsylvania, by Dr. Wood:—also several interesting letters from Wm. Penn. The work may be had of M'Carty & Davis, and will be found interesting.

On the 22d instant, the old Merchants' Coffee House, in Second street, next to the Bank of Pennsylvania, was so much injured by fire, as to render the removal of the books and papers to the new Exchange, necessary:—so that this beautiful building was then opened—rather earlier than was intended. It has been visited during the week by many ladies, who were publicly invited to view this splendid establishment, which is truly an ornament to our city. A description of this building will be published hereafter.

It has been stated in the papers, that Coal has been found in Bucks county, and Gold in York county, in this State. A gentleman conversant with these matters, informs us, that the former has as yet been discovered only in small quantities—rather as a curiosity, than as one of much importance—and that although he has not heard of the gold in York county—yet he says, he has himself found it in the State. These indications, however, ought to shew the necessity of a geological survey of the State, which has often been pressed upon the attention of the Legislature—at last session a bill was introduced authorizing such a survey—but was referred for final decision to the present session; we do not recollect to have seen, that the subject has been attended to as yet. We hope it will be acted upon, and agreed to, before the adjournment. It is of great importance, in our view.

On Wednesday evening, Professor W. R. Johnson delivered the introductory lecture to a course on Electricity, to a crowded assembly. This course will consist of twelve lectures, (on Thursday and Friday evenings, at half past 7 o'clock, price of tickets, \$3,) to be delivered at his school room, in St. James' street. The splendid apparatus, and the well known qualifications as a lecturer, of Professor J. are a sufficient guaranty, that those who desire to obtain information on this important and interesting science, cannot fail to be instructed as well as entertained. It is highly creditable to our city, that so many opportunities are afforded, of attending able lectures on scientific subjects, of which we are happy to find so many of our citizens, especially the younger portion of them, availing themselves. The lectures at the Franklin Institute, by Dr. Mitchell on Chemistry, Professor Johnson on Natural Philosophy, Dr. Emerson on Meteorology, and Mr. Millington on Astronomy, have been well attended during the winter.

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REPORT ON THE COAL TRADE.

(Continued from page 197.)

The third, or WYOMING and LACKAWANNA Coal field,

Is situate wholly in Luzerne county, and constitutes about one-fifth of its territory. Occupying a central position in the county, it bears nearly an east and west course, and terminates near the line of Wayne county on the east, and Columbia county on the west. Like the first and second coal fields, it is confined between two parallel mountains, or rather enclosed by a continuous mountain, extending entirely around the coal deposit. It is about sixty-five miles in length, averaging about five miles in width. Being the widest at the centre, and growing narrower as the barrier or boundary contracts towards either end, it assumes, like the other fields, the shape of a longitudinal trough, or canoe. Its boundary is progressively termed the Moosick, Lackawanna, Dial, Wilkesbarre, Nanticoke, Shickshinny, and Capouse mountains. The coal beds of this region vary from one foot to thirty feet in thickness, and are generally more accessible than those of the other fields, being exposed in innumerable places, by deep ravines, abrupt precipices, and small streams, and in some places form the bottom of the river Susquehanna and the Lackawanna.—The Pennsylvania canal passes through them at several points, and at others the coal may be precipitated from the mines by means only of a chute or slide of boards, directly into the canal boats.

This coal formation is well defined, and its geological character more extensively and advantageously known than that of either of the other regions, having recently been explored by Professor Silliman, a gentleman of eminent science and intelligence.* The strata would appear to run transversely across the valley, forming a series of elliptical curves, and dipping from either side of the boundary in the direction of the waters. The coal is heavier and harder than that of the other two deposits. Arks, laden with this coal, have been known to sink in the Susquehanna, and after remaining under water until the freshest had subsided, it has been taken out without sustaining any loss from decomposition. It is generally thought to be not quite so free of ignition, but when ignited, the heat is intense and its endurance greater.

To the eye of the passing or superficial observer, there would appear to be little if any variance in the general appearance and characteristic features of these three coal fields, excepting only in one particular—and that difference is a striking and interesting one: The first and second fields present a thin, barren, sterile soil, peculiar to our mountain lands—small portions of it only being susceptible of cultivation—although it is said to be generally nutritious and producing fine gardens. The third field presents a rich, deep loam, embracing the beautiful and fertile valley of Wyoming, and one of the most productive and excellent agricultural districts in Pennsylvania. Alike rich in its agricultural productions as abundant in its mineral trea-

sure, the same acre of land may furnish employment for both the agriculturist and the miner. While the farmer is occupied upon the surface, at the handles of the plough, in preparing the rich soil for its seed, or the field, waving with rich luxuriance, bends before the sickle, the miner, like the antipodes of another region, may be actively engaged in the interior, beneath his feet, in mining and bringing forth the long-hidden treasures of the earth. The different branches of industry, therefore, may here not only be placed side by side, but literally one on top of the other.

The existence of coal in this region was known at a very early day, and long before it was discovered in either of the other fields. It was used before the period of the revolution, and its present and prospective value may have tended to stimulate the long and direful conflicts, for the jurisdiction of the soil, in which the valley was strewn with the bones of its patriotic defenders. In the years 1775 and 1776, several boat loads of coal were taken down the Susquehanna, and hauled to the United States' armory at Carlisle, for the manufacture of arms. This coal was taken from a bed belonging to the late Judge Hollenback, one mile above Wilkesbarre, near the mouth of his mill creek. The same bed has recently been opened, at the place pointed out by the Judge in his life time, and upon removing the earth, the marks of the tools were plainly perceptible in the coal seam. In 1768, it was first used by Obadiah Gore, a blacksmith, who came into the Wyoming valley, as a Connecticut settler; and having succeeded in using it in his shop, it soon became the only fuel used by the blacksmiths in the valley. It was first used in a grate by Judge Fell, of Wilkesbarre, in 1808, who, to use his own language, "conceived the idea, that if a body of this coal were ignited and confined together, it would burn as fuel; and to try the experiment, he had a grate constructed for the purpose, eight inches in depth and twenty-two inches long, and the coal, after being ignited in it, burned beyond the most sanguine expectation."

The Lackawanna river, taking its rise in the higher lands of Susquehanna and Wayne counties, breaks into the third coal field at the north-east end, and passing through the heart of the basin, unites with the Susquehanna at Pittston; or, rather, the Susquehanna unites with it—for it would appear more probable, that at a time long gone by, the Susquehanna has forced itself through the northern boundary, now termed the Dial mountain, above Pittston, and taken the course of the Lackawanna, emptying at the same time the contents of some vast lake above, into the Lackawanna and Wyoming valleys; thus covering the whole coal formation with its present rich alluvial deposit. This hypothesis is strengthened by the facts, that the alluvial soil is found to extend up the valley of the Lackawanna nearly as far as Carbondale, and, it is believed, upon the same elevation with the mountain barrier below Shickshinny creek, where the Susquehanna, pursuing the course of the Lackawanna, breaks through the southern boundary; and which, it is supposed, may have dammed back or retained, for a time, the contents of the lake. The soil toward the lower end, as at Shawny flats, &c. is finer, or of a more loamy and sandy nature; while farther up, as between Kingston

* See Reg. Vol. VI. p. 70, 112, 273.

and Dial mountain, where the Susquehanna enters the coal field, and where the less buoyant particles of the sediment may be supposed to have first settled, the deposit is more gravelly and stony. Advancing up the Lackawanna, the soil gradually becomes thinner until we reach Carbondale, where there is not the slightest appearance of alluvial soil, and where the natural face of the country assumes a character similar in all respects to that of the first and second coal fields.

The river Susquehanna breaks through the northern boundary of this field at Pittston, about ten miles above Wilkesbarre, and pursuing its way through the middle of Wyoming valley, it passes lengthwise through the centre of the coal range, until it reaches the mouth of Tilberly creek, or the Nanticoke falls, a distance of about nineteen miles. It here passes out of the field to the north, and breaking through, or rather severing lengthwise the northern boundary for the distance of several miles, to the mouth of Slickshunny creek, it there again turns to the south, again enters the coal field, and running across it, passes through the southern boundary, leaving undisturbed the western end of the coal deposit. Several successive beds of coal have been opened in the mountain at this point, by Nathan Beach, Esq. the strata appearing regular and uninterrupted. The third field here terminates, falling off into a red shale basin at the *Knob mountain*, near Fishing creek, in Columbia county, and not, as has generally been supposed, at the falls of Nanticoke.

The coal of this region has therefore been used from the year 1768 to the present time, by the people residing immediately on the Susquehanna, its consumption gradually increasing with the growth of the country. It has hitherto been brought down in arks, containing each about sixty tons, and sold at different towns on the river; but the business was always considered a hazardous one, owing to the difficulties in navigating the river; and consequently the demand for coal remained limited, and its introduction partial. The Pennsylvania canal, designed in part as an outlet for the coal of Wyoming, was commenced, and is now nearly completed to the mouth of the Lackawanna, passing a distance of about twenty-five miles through this coal range. If intended to rest at this point, it were unwise to incur so useless an expense, particularly so long as there was no suitable outlet to the Chesapeake, and when it was known too that the coal of Lykens' valley, Mahanoy and Shamokin, would abundantly supply the home market of the Susquehanna. But, it was originally designed as a measure of great state as well as national policy—one that as early as 1808, had engaged the attention of the statesmen of New York, Pennsylvania and Maryland, as the best and only practicable route for the opening of a continuous water communication from the Atlantic to the great northern lakes; and the only error now to be wept over is, that the State did not commence the canal at the mouth of the Lackawanna, and prosecute it up the river to the New York line. It would there, at the distance of eighty-three miles, have intersected the improvements of that State, and afforded an avenue for our coal to a most extensive and rapidly increasing market. This work ought not for a day to be delayed, but prosecuted to final completion. There is nothing wanted to create a vast and permanent demand for this fuel throughout the whole western territory of New York and of the lakes, but facilities for furnishing a supply. Coal, during the past and present seasons, has been hauled in sleds and wagons from this district, a distance of eighty miles and upwards into the State of New York, and sold in some instances for twenty dollars a ton. The iron works of a Mr. Williams, of Jamestown, at the south-east end of Chataque lake, is now supplied with Lackawanna and Mauch Chunk coal, which is transported from the city of New York to Albany, 160 miles—from Albany to Buffalo, 300 miles, and thence hauled in wagons to Jamestown, 70 miles, and within seven miles of our State line. If we

add the distance from Carbondale to New York, 217 miles, we have a total distance of 747 miles from the mines to the place of consumption. This fact demonstrates as well the utility of canal transportation, as the value of this mineral.

The North branch canal is rather a national than a state work, and one to which the funds of the national government might with great propriety be applied. The great importance to the nation of an internal water communication from the lakes to the Atlantic need not be told; and if the enterprising citizens of Pennsylvania and New York, who are now agitating the question of improving the Susquehanna for sloop navigation would view the subject in this light, and bring it fairly before Congress, the strongest hopes might be entertained that the national government, with her overflowing treasury, would be induced to take up the work where Pennsylvania, in consequence of the present pecuniary embarrassments seems disposed for a time to leave it. The facilities for conveying coal to our eastern markets are sufficient for the present demand. This communication completed, and the Lehigh navigation owned by the state, our chain of improvements in the north would soon be complete; and who cannot, knowing the vast resources of the country, predict the new tide of prosperity which in that event would flow over that section of our Commonwealth.

A rail road from the Lackawanna, by Starucca creek, to Harmony, in Susquehanna county, designed to connect with the Utica and Binghamton or Chenango canal, is projected, and it is believed will be constructed. This will afford a direct and advantageous outlet to the north for the coal of the Lackawanna. During the past season two thousand five hundred tons of coal were conveyed by this route in sleds, and sold at various places in the interior of New York, for about sixteen dollars per ton. It is estimated that there exists now in the western part of New York a market for at least one hundred thousand tons of coal yearly. If this demand could be supplied, there would in a very few years be a market for double and treble that quantity.

It only remains for the committee to notice, in connection with the third coal field, one of the most important improvements, considered in reference alone to the coal interests, in the union. In 1822, *Maurice and John Wurts*, conceiving the bold and expanded project of constructing a rail road and canal from the coal beds on the Lackawanna, near the eastern termination of the field, to the North river in the state of New York, obtained in 1823 and 1825, acts of incorporation, and succeeded in forming the Delaware and Hudson canal company, who undertook and completed this Herculean enterprise. The country was then a dense and apparently impenetrable wilderness. The footstep of man had scarcely marked the spot where is now erected the flourishing and beautiful village of Carbondale, containing a population of twenty-five hundred souls. The Moosick mountain, towering eight hundred and fifty-five feet above the level of the Lackawanna, which to ordinary minds would have presented an insurmountable barrier, and bid defiance to individual enterprise, dwindled in the eye of science to a mole hill, and presented no impediment in the way of a powerful and adventurous company. They have constructed a rail road from the Lackawanna to the Lackawaxen, a distance of sixteen miles, overcoming the mountains by means of eight inclined planes—"five of them ascending planes, worked by stationary steam engines, and three of them descending planes, acting by gravity." From the termination of the rail road at Honesdale, in Wayne county, (another town which has sprung up solely under the auspices of the Company, and now containing fifteen hundred persons) a canal is continued down the Lackawaxen to the Delaware, and from thence through the state of New York, to Rondout, on the North river, ninety-four miles above the

city of New York, a distance of one hundred and seven miles. Whole length of canal and rail road, one hundred and twenty-three miles. This work was completed in 1829, at an expense of two millions three hundred and five thousand five hundred and ninety-nine dollars and fifty-three cents, and in the various results produced, furnishes one evidence of benefits conferred by an incorporated company, which would otherwise never had existence; and exempts this company from the general objections resting against corporate bodies, having mining and trading privileges. Without an act of incorporation, and the inducements of mining privileges, this country, now filled with an active and enterprising population, and furnishing one of the best markets in Pennsylvania, would have remained for many years perhaps a barren waste, and possibly it would not be going too far to say that the coal of Lackawanna would never have found a market by this route, or in this direction. Like the Lehigh company, they have disregarded the great mountain barriers, dividing the waters of the Susquehanna and the Delaware, and conducted the coal of the third field from its natural, but more circuitous channel, directly to the city of New York, and the other increasing markets of the east and the north. In 1833 this company sent to market, one hundred and eleven thousand seven hundred and seventy-seven tons of coal, and made a dividend of seven per cent upon their capital.

This work affords also a new out-let for the vast lumber trade of the northern counties. During the last year, about five millions of feet of lumber were conveyed upon the rail road from Carbondale to the Lackawanna and the Delaware, where it is rafted down the river. But the committee are prevented from performing the pleasing task of dwelling longer upon this noble work, and its general beneficial effects upon the prosperity of the country in which it is located, by the very interesting letter of *John Wurts*, esquire, president of the company, inserted in the appendix, No. 22, and to which the Senate is respectfully referred.

It is impossible now to form an estimate of the small quantities of coal that have been conveyed in arks down the North Branch of the Susquehanna. Recently, and since the completion of the Pennsylvania canal, preparations have been made for carrying on the business more extensively. The Baltimore company have purchased several of the most valuable beds in the vicinity of Wilkesbarre, and contemplate the construction of rail roads from the mines to the canal. The Plymouth mines are extensively opened, about ten thousand tons having been sent from them to market during the last year.

The whole amount of coal mined in this part of the third coal field and sent to market by the river and canal, and used for home consumption has been estimated at 30,000 tons.

By Delaware and Hudson company, 111,777
Home consumption, used in steam engines, and sold in intermediate places, 20,000

Total in third field, 161,777 tons.

The following estimate of the value of property employed in the coal trade and towns consequent upon it, is believed to be not materially erroneous:

Colliery establishments, utensils, horses, &c.	\$90,000
Canal boats and rail road cars,	157,500
Carbondale,	250,000
Hone-dale,	125,000
Capital invested in coal lands, &c.	240,000
Total,	\$862,500

To the above may be added the value of vessels employed in the shipping of coal, *nine hundred* of which were loaded at Rondout, during the last year.

The three anthracite coal deposits of Pennsylvania are about sixty-five miles in length, and five miles in width, embracing an area of three hundred and twenty-five square miles, or two hundred and eight thousand acres each, making an aggregate of nine hundred and seventy-five square miles, or six hundred and twenty-four thousand acres. Some of the lands in the first district are worth three and four hundred dollars an acre—others are of less value, and some parts worth little or nothing. The lands in the third field, being generally valuable as well for mining as agricultural purposes, may be valued at an average rate of thirty dollars per acre; and taking the whole three districts together, it is believed twenty dollars per acre is not too high a valuation. At this rate, our anthracite coal fields are worth twelve millions, four hundred and eighty thousand dollars.

Estimate of the value of improvements, and property connected with and consequent upon the anthracite coal trade of Pennsylvania in the three great coal fields:

Rail roads and canals made by companies and individuals, including also parts of the state canals, four hundred and eighty-nine miles.	\$9,750,937 42
Collieries, boats, cars, &c. &c.	1,270,280 00
Capital invested in coal lands.	4,900,000 00
Mining capital,	480 000 00
Value of towns in the coal field,	3,375 000 00
Total,	\$19,776,217 42

To the above may be added the value of store houses, wharves, landings, &c. &c. in Philadelphia, and New York, and other places; and also the value of vessels, and capital employed in shipping coal. The additional value of coal, after leaving our ports, is to be offset against the interest of this sum.

Whole quantity of anthracite coal mined and sent to market in Pennsylvania, during the year 1833.

From the first coal field	429,933 tons.
“ “ second do.	500 “
“ “ third do.	161,777 “
	592,210 tons.

In forming an estimate to ascertain whether the profits on this quantity of coal will pay the interest of the sum invested in the business, the cost of coal lands now occupied, and rail ways and canals constructed should alone enter into the calculation. Large bodies of coal lands, particularly in the second field have been purchased, and large sums of money invested, not with the view of immediate, but future profit. That portion of the state improvements, included in the above statement should also be omitted, as they depend alike upon other sources for tonnage. The coal above stated has drawn from the community the average sum of five dollars per ton, or a total of two millions, nine hundred and sixty-one thousand and fifty dollars. The actual expense of mining and transporting five hundred and ninety-two thousand, two hundred and ten tons of coal may be estimated at four dollars per ton, amounting to two millions, three hundred and sixty-eight thousand, eight hundred and forty dollars. This expenditure, however, includes the tolls upon the improvements, which are not a charge, but constitute receipts upon the capital invested. It is, therefore, proper, as interest is calculated upon the sum invested in the canals and rail roads, to omit the item of tolls, which would allow on each ton of coal about two dollars over and above the expense of mining and transportation, thus:

	Cost,	Interest at 6 per cent.
Canals and rail roads,	\$5,781,394 22	\$346,893 65
Coal lands in use,	1,740,000 00	106,400 00
Total,	\$7,521,394 22	\$453,293 65
Profits on 592,210 tons of coal at \$2 per ton,		\$1,184,420 00
Excess of profits beyond the interest,		\$731,126 35

Again, if we take the whole sum of nineteen millions, seven hundred and fifty thousand, nine hundred and twenty-seven dollars, including the cost of portions of the state improvements, and the value of the towns, the interest at six per cent will amount to the sum of

	\$1,186,573 02
Deduct profits on 592,210 tons of coal	1,184,420 00
Deficiency to pay the interest on the whole sum invested only	\$2,153 02

THE BITUMINOUS COAL FIELD OF PENNSYLVANIA.

Nature, in the disposition of her bounties, seems to have bestowed upon Pennsylvania more than a due proportion of the treasures of the mineral kingdom. Great and valuable as are her anthracite deposits, and rich and abundant as are her mines of iron ore and other minerals, her bituminous coal region is still more extensive and inexhaustible.

The great secondary deposit, extending as it is generally believed from the Hudson to the Mississippi, and to the Rocky mountains, is in Pennsylvania limited by the Allegheny mountain, which appears to form the barrier or dividing line between the anthracite and bituminous coal beds, or between the transition and secondary formations. The union or junction of these formations is plainly and distinctively marked in the ends of the mountain where the west branch of the Susquehanna breaks through it, above Bald Eagle, the latter resting against the former, and forming the basin in which the bituminous coal, in regular and successive strata is deposited. This coal field is, therefore, confined to the west side of the Allegheny, and is supposed to extend to the centre of the mountain. In the south-east corner of Somerset county, in Southampton township, and in the western parts of Bedford and Huntingdon counties, it would appear to extend to the south-east of what is there called the Allegheny, and occurs in great abundance on *Will's creek*, *Jenning's creek*, *Gladwin's run*, &c. emptying into the Potomac. The chain of mountains called the Allegheny, above Bedford, is very wide, and large mountains diverge from it; and although the mountain running through Somerset, and dividing the waters of Youghiogheny and Conemaugh from those of the Potomac, may be the largest, it seems most probable that *Will's* or *Elett's* or possibly *Siding* mountain, there forms the boundary of this deposit, and upon examination will be found to exhibit a continuation of the same characteristic feature between the secondary and transition formations.

The bituminous coal beds vary from one foot to twelve feet in thickness, but rarely exceed six feet. They lie in nearly horizontal strata, with about sufficient dip to free the mines from water. Some hills contain three and four beds, with alternate layers of earth and slate, and rest between a firm and smooth slate roof and floor. Faults or troubles are seldom met with, and in this they differ from the anthracite, and go far to confirm the opinion, that all this vast extent of secondary rocks was once the bottom of a great lake or sea, and that it suffered little if any interruption from the gradual discharge of its waters through its distant and widely

extended boundary. It has evidently been drained by the Mississippi, the St. Lawrence, the Susquehanna and the Hudson; and it is a curious and interesting fact that near the northern termination of this coal field, in Potter county, the head waters of the Allegheny, the Susquehanna, and the Genesee rivers, flowing into the gulf of Mexico, the Chesapeake and the St. Lawrence, take their rise in an area or space of about five miles.

With the exception of the Susquehanna and its tributaries, and Will's creek emptying into the Potomac, all the streams rising in the coal field, west of the mountain, flow into the lakes, or into the Ohio river, and consequently the ground falls off or recedes in the same direction and becomes too low, as it is generally supposed, to contain the coal measures. Its northern termination or boundary, may be traced from the head waters of Towanda creek, in Bradford county, thence across the high lands or dividing waters of Tioga, Potter, McKean, Warren, Venango, &c. to the Ohio state line. The Tioga river and its tributaries penetrate the coal field in the vicinity of Blossburg and Wellsborough, in Tioga county. A recent and interesting mineralogical report upon this region has been made by *R. C. Taylor*, a practical engineer and geologist, for the Blossburg rail road company, in which it is satisfactorily shown that the coal runs out as the streams decline to the north. "There would need (says the report) a total height of mountain of five thousand, one hundred and twenty-five feet at the state line, between New York and Pennsylvania to contain the coal measures; whereas, the hills there, are probably below six hundred feet altitude. This calculation is entered into with a view of showing the futility of the expectation, not uncommonly expressed, of tracing these coal beds in a northerly direction beyond the limits at which they are at present discoverable."

This field, being bounded on the south by the Allegheny mountain, extending into the state of Virginia, and westward, coal may be said to be present, to a greater or less extent in all the western counties, with the exception of the county of Erie, in which it has not yet been discovered. The counties of Bradford, Lycoming, Tioga, Potter, McKean, Warren, Crawford, Bedford, Huntingdon, and Centre, lie partly in, and partly out of the coal field. The counties of Allegheny, Armstrong, Beaver, Butler, Cambria, Clearfield, Fayette, Greene, Indiana, Jefferson, Mercer, Somerset, Venango, Washington, and Westmoreland are wholly within its range, and embrace together an area of about *twenty-one thousand square miles, or thirteen millions, four hundred and forty thousand acres.*

The west branch of the Susquehanna, taking its rise in Cambria and Jefferson counties, passes through the heart of the rich coal deposits of Clearfield county, and breaksthrough the Allegheny mountain above the mouth of Bald Eagle, thus affording an outlet to the eastern markets for the coal of that region. It is navigable for arks from the Cherry tree, or mouth of Chest creek, in Clearfield county, one hundred and twenty-five miles above the present termination of the Pennsylvania canal, at Dunnstown. Pine creek, and Lycoming creek, have also their source in the coal field, and afford outlets for the coal to the Susquehanna; and to these three points we must look, mainly, for our eastern supplies of bituminous coal.

From the first settlement of Clearfield county to the present time, coal has been brought down the Susquehanna in arks, and sold in small quantities at the different towns on the river, in Lycoming, Northumberland, Union, Dauphin, Cumberland, York, and Lancaster counties, for the supply of the blacksmiths who have always preferred it, for most purposes, to charcoal. The late *Samuel Boyd* of Lancaster, now deceased, was among the first who conceived the idea of furnishing this coal to the eastern market, and as early as the 1st November, 1785, took up and patented in the then new purchase from the Indians, a tract of land on the

margin of the river, about three miles above Chinclele-moose, now Clearfield town. There is a hill or steep precipice on this land, jutting into the river, containing several successive strata of coal, which can be shovelled out of the mines into the ark. This may also be done in many other places along the river. His son, *William Boyd*, Esqr. at present a member of the Senate, from the city, in the adventurous enterprise of youth, in the year 1803, visited the spot, and procured an ark load of the coal to be sent in the spring of 1804, by the river to Columbia, a distance of two hundred and sixty miles. This was the first ark load of coal that passed through the Conewago falls to Columbia. The committee have been favored with an interesting letter upon this subject from Mr. Boyd, [vide appendix, No. 23.] About the same time a Mr. John Jordan, of Clearfield, sent down an ark load of coal, taken from a bed forming the pavement or bottom of the river, about a mile above Clearfield town. From that time to the present the business has been followed by many of the inhabitants of Clearfield as a means of subsistence. The building of arks and mining of coal, occupy them during the winter seasons, and the product of their labor is floated to market by the spring freshets. At that time coal was mined by uncovering or *stripping*, as it was generally termed, which process was performed by taking off the whole of the superincumbent earth, and removing the roof from the coal bed. At present, the business is better understood, and is performed by tunneling, or undermining.

In 1813, Mr. P. A. Karthaus established coal works at the mouth of Little Mushannon creek, and engaged in the business extensively. In 1828, he succeeded in taking a quantity of coal to Philadelphia, having conveyed it to Port Deposit in an ark, and thence in a sloop by the Chesapeake and Delaware canal. This was the first ark load of bituminous coal taken to the city from the Susquehanna, and was sold readily at thirty-three cents per bushel. Mr. Karthaus also took a quantity of coal to Baltimore, where its qualities were fully tested. It was found to possess all the properties of the best bituminous coal, producing the finest coke, as well as hydrogen gas. Since the opening of the Union canal, a considerable quantity of this coal has found its way to the Schuylkill and to Philadelphia.

Coal has been used for fuel and manufacturing purposes, west of the mountain, from the earliest settlement of the country. It is mined to a greater or less extent in all the above counties, at the rate of one cent and two cents per bushel, and is thus brought within the means of all, and literally to every man's door. It is also transported in considerable quantities in arks or flat-bottom boats down the Ohio river to Cincinnati, New Orleans, and the intermediate places, and sold at twenty to thirty and forty cents per bushel. Abounding throughout all this vast extent of territory, and freely used for almost every purpose requiring heat or caloric, it is impossible to form any thing like a correct estimate of the quantity consumed yearly and sent to market. That its great abundance and cheapness have given birth to the vast and widely extended manufacturing establishments of the west, there can be no doubt. Without coal they could not exist. It constitutes the life-spring of western Pennsylvania, and the pedestal of our great manufacturing emporium. Pittsburg and its environs contain the number of *ninety* steam engines, for the various manufactories of iron, steel, glass, cotton, woollens, salt, brass, white lead, flour, oil, leather, paper, edge tools, wood turning, steam apparatus, &c. &c. These steam engines according to an authentic statement recently compiled and published in the *Pittsburg Gazette*,* consume monthly one hundred and seventy-two thousand, one hundred and fifty-two bushels of coal, or two millions, sixty-five thousand, three hundred and six bushels a year. These engines are equal in power to that of two thousand, five hundred and ninety-six horses, and employ in the manufactories alone, two thousand, one hun-

dred and thirty hands. The number of hands engaged in mining and hauling coal is not given. The quantity of coal consumed in the city for domestic or family purposes, and in manufactories in which steam power is not used, can only be arrived at by general, and of course not very accurate computation.

The city of Pittsburg and its suburbs, Alleghenytown, Birmingham, &c., contain a population of thirty thousand souls. These, divided into families of five persons, will constitute six thousand families or dwellings. Some of these contain four, five, six, and seven fires or grates, and none less than one; and it is believed the average is not less than three. Each fire will consume two hundred bushels of coal a year, which, by this computation, will produce three millions six hundred thousand bushels, as the quantity consumed by families. The quantity consumed in stores, offices, public buildings, schools, shops, churches, steam ferry boats, and by blacksmiths, and manufactories not using steam power, has been estimated at about two millions of bushels. This would give an aggregate quantity of coal consumed annually, in and adjacent to Pittsburg, of seven millions six hundred and sixty-five thousand three hundred bushels, or two hundred and fifty-five thousand five hundred and ten tons. At four cents per bushel, or one dollar and twenty cents per ton, the price at which it is now delivered in Pittsburg, this would amount to three hundred and six thousand five hundred and twelve dollars.

The quantity of coal consumed in the manufacture of salt, in the western counties, is also very great. There are, on the Allegheny, Kiskiminetas, Conemaugh, Crooked creek, Mahoning, Saw-mill run, Brush creek, Sewickly, Youghiogheny, and Monongahela, about ninety salt manufacturing establishments, and many others about going into operation. These establishments employ about six hundred hands, and produce yearly about *one million* of bushels of salt. Each establishment, with single pan, will consume *one hundred and seventy-five* bushels of coal, making the whole amount consumed yearly in the manufacture of salt alone, *five millions and ten* bushels.

It requires no argument to prove that the bituminous coal region must soon become, as it now is to a great extent, the seat of the manufactures of Pennsylvania; unless, indeed, the coal or coke can be transported to the vicinity of the raw material as cheaply as the latter can be conveyed to the coal mines. In some instances this may be done, and in others it cannot; and therefore by these mutual reciprocities, exchanges and restrictions, the benefits of trade are conferred upon the community, and the State must soon derive her full share of the profits of the traffic, by revenues from her public works. Coal cannot be hauled from Pittsburg to Bellefonte, for the manufacture of iron, because it is cheaper to haul the blooms from Centre and Huntingdon to Pittsburg, where fuel is cheap and abundant. Trade, acting upon the principle of gravitation, and tending, like it, to the larger body or greater interest, will naturally be drawn to Pittsburg and other parts of the coal field. Greater facilities are afforded here for carrying on an extensive manufacturing business, than in any other section of the country. This fact will prove the propriety and necessity of an early completion of the proposed improvement to connect the Pennsylvania and Ohio Canals, by which the trade of the west may be drawn to our manufactories, its profits secured, and facilities afforded for supplying the raw material, and of manufacturing it within our own State.

The effect of the use of coal, in the manufacture of iron, is strikingly illustrated by the facts, that in England, in the year 1619, there were three hundred furnaces, producing annually six hundred tons of pig-iron each, or a total of one hundred and eighty thousand tons; and that owing to the scarcity and rapid diminution of wood, the quantity manufactured in 1740, after a period of one hundred and twenty-one years, had decreased to seventeen thousand three hundred and fifty tons, and the number of furnaces to fifty-nine. But,

*See Register Vol. xii. page 314.

mark its succeeding history: In 1752, the process of coking bituminous coal, which had frequently been attempted before, now succeeded, and coke was generally introduced. In 1788, there were eighty-six furnaces, producing sixty-eight thousand three hundred tons. In 1796, the quantity made was one hundred and eight thousand seven hundred and ninety-three tons: In 1820, four hundred thousand tons; and in 1829, seven hundred thousand tons.

Will not the same causes produce the same effects in the United States? The present high price of iron, is owing mainly to the high price of fuel—the expense of cutting, charring and hauling wood, which in many iron districts has entirely disappeared. The coking process is now understood, and our bituminous coal is quite as susceptible of this operation, and produces as good coke as that of Great Britain. It is now used to a considerable extent by our iron manufacturers in Centre, and elsewhere. There is nothing to prevent us from becoming a great and powerful manufacturing people. We have all the minerals, all the natural productions, and all the varieties of soil and climate necessary to the cultivation of the mechanic arts, and for the manufacture and supply of the leading and most essential articles of consumption.

This view of the subject, leads the committee to the consideration of the question, whether the bituminous coal of Pennsylvania can be brought into general use east of the mountains, for manufacturing purposes, and transported to our eastern markets upon such terms as to supersede the use of foreign coals, now used to a considerable extent on the sea-board. If this cannot be done, then may we yield to the pressing importunities of some of our sister States, for the repeal of the duty on foreign coals, and receive our supply from foreign lands; and then, indeed, must it be admitted, that Pennsylvania has constructed the Susquehanna and West Branch canals, at an expense of two millions and forty-eight thousand dollars, to little purpose.

Memorials have again been presented to Congress, for the repeal of the duty on Liverpool and Nova Scotia coals. In 1831, a similar application was made, and the memorialists then complained generally of the scarcity of fuel, and its high price; Schuylkill coal being, in the language of the memorials, “nominally sold at sixteen dollars per ton, and other anthracite coals in proportion; and Liverpool coal, which had been usually sold at from nine to twelve dollars per chaldron, being then with difficulty procured at sixteen to seventeen dollars.” They now complain, not so much on account of the high price and scarcity of fuel, as that the city of New York, consuming about five-sixths of all the foreign coal imported into the United States, is compelled to pay five sixths of the tax or duty collected; and that, “on account of the high duty, the advantage of carrying on the coal trade from Liverpool and Nova Scotia is so trifling, as to offer no encouragement to mercantile men to engage in it.” They added:—“It cannot be doubted, that if this duty were once removed, a LARGE SUPPLY of this valuable commodity would immediately be brought into market, at a REDUCED PRICE, which would not only enable those who prefer it to the anthracite coal to use it, but would also bring the anthracite coal more easily within the means of the large mass of consumers, thus benefitting the community at large, and enabling the poorest individual to enjoy the comfort of a fire-side.” Nothing is said in the memorial, relative to the bituminous coal of Virginia and Pennsylvania, nor of the injurious effect that this repeal would have upon the interests as well of those engaged in our anthracite coal trade, as upon the exertions now in embryo, to bring our bituminous coal into market.

In 1815, when the duty on foreign coals was three dollars and sixty cents, the price in New York was twenty-three dollars the chaldron (thirty-six bushels.) From 1816 to 1823, inclusive, during which time the duty was one dollar and eighty cents, the average price was about eleven dollars. From 1824 to the present time,

the duty has been two dollars and sixteen cents, and the average price about fourteen dollars. For the last twenty year, the average price has been about twelve dollars and fifty cents, and therefore it has not varied in proportion to the Tariff, nor does it appear to have been influenced by the rates of duty—for, in 1821, when the duty was one dollar and eighty cents, the price of coal was fourteen dollars; and in 1830, when the duty was two dollars and sixteen cents, the price was only eight dollars. The difference in price, it would seem, has been produced by other causes. From the year 1824 to the present time, the duty has been six cents a bushel, or one dollar and eighty cents a ton, and the average price during the same period, about ten dollars. If we deduct the duty, one dollar eighty cents, the cost would be eight dollars and twenty cents per ton. Whether this would be about the actual cost of importing a ton of coal from Liverpool or Nova Scotia, if the duty were repealed, the committee do not possess the means of ascertaining. The price heretofore seems to have been governed almost entirely by the scarcity or the demand for fuel. If, in 1830, when sales were made at eight dollars the chaldron, paying at the same time a duty of two dollars and sixteen cents, there was no sacrifice, it would appear that the actual cost of importation would be only five dollars and eighty-four cents. A great portion of this coal being brought in as ballast, and not constituting a regular business, it has not assumed a settled price, nor can the actual expense be accurately known. Judging, however, from the rates at which it is now sold, it is manifest that an entire repeal of the duty might very materially affect the home trade, if not paralyze the exertions of our citizens to introduce our bituminous coal.

But, what cause have the memorialists now to complain? Anthracite is now selling in New York at five dollars and fifty cents, and five dollars per ton. Our means for furnishing a supply adequate to any demand are entirely ample, and it is not at all probable that the price of coal, as in 1831, will ever again rise to sixteen dollars. There is now in New York not only a sufficient quantity to supply the demand, but it is feared by our coal dealers that a large quantity will remain over. It would not therefore appear to be necessary to repeal the tariff in order to bring fuel “within the means of the labouring poor.” In 1831, when fuel was scarce and dear, and when complaints against the tariff were loudest, one thousand tons of Schuylkill coal were offered to the corporation of New York at the reduced rate of four dollars and fifty cents per ton. The Nova Scotia mines, formerly owned by the Duke of York, have passed into the hands of a company, some of whom it is said, reside in the United States, and hence it is believed that this application is rather prompted by a desire to engage in the foreign trade, even at the expense of our native resources, than for the purpose of procuring a cheaper fuel.

If, therefore, the actual expense of importing coal from Sydney and Pictou mines will not exceed five dollars and eighty-four cents per chaldron, exclusive of the duty of two dollars and sixteen cents, it is plain that in the present state of our improvements we cannot, if the duty be repealed, enter into competition with the foreign coal in the New York market. When our internal improvements shall have been fully completed—our resources known, and sufficient capital embarked to bring them to light, they will not require the aid of restrictive or prohibitory duties to bring them into general use. We need fear no competition, but may with confidence repose upon our facilities for transportation—the industry of our citizens and the superior quality of our coal.

The west branch division of the Pennsylvania canal terminates above the mouth of Bald Eagle, and will when completed, afford a continuous water communication from the opening into the coal field at Lick run and Tangascotack, to the city of Philadelphia. This point, being nearest to market, and immediately at the head

of canal navigation, would seem to present the most favorable location for extensive operations in the coal trade. It has already attracted the notice of gentlemen of enterprise and capital residing in Boston and Philadelphia, to whom the same state is greatly indebted for their exertions to introduce this coal into the manufacturing establishments of the east. A company has already been organized, under an act of incorporation, and are located near the mouth of Lick run, under the name of the Lycoming Coal Company. They have made extensive improvements—mined and sent to market by the river, several thousand tons of coal, and made preparations for carrying on an extensive business. The canal not having been completed, they constructed a steamboat for the purpose of towing their coal arks down and up the river, between their mines and Piquette, but were soon prevented from using it by the high dam erected in the river at Bald Eagle. Coal was used in this boat for generating steam, and it was found that one ton was equal to nearly four cords of pine wood. They have now mined, and lying upon the bank, waiting the completion of the state improvements, a large quantity of coal; and have made arrangements for sending to market, during the first year after the opening of the canal, from fifty to seventy five thousand tons. This amount will soon be increased to one hundred thousand, which, passing as it will, over the entire extent of our public works to Philadelphia, will pay to the state in tolls at the rate of half a cent a ton per mile, upwards of one hundred thousand dollars.

Another company, not yet organized, are authorized by law to construct a rail road from the mines on Tangascootack to the canal on the opposite side of the river, for the purpose of bringing down the coal of that valley. These companies have mining privileges, but as they have no control over the navigation, which belongs to the state, and will always remain open to the free and equal use of her citizens, their operations it is believed cannot prove injurious to the interests of the people, but on the contrary will produce many benefits, by improving the country, and preparing the way to future and more extensive operations. A company has also been incorporated to construct a rail road from Elmira in New York, to Williamsport, Pennsylvania, by the valley of the Lycoming, passing through the extensive coal deposits on the head waters of this creek, upon which also abound large quantities of argillaceous iron ore. This road will form an important connecting link between the improvements of Pennsylvania and New York, besides furnishing facilities for transporting coal to the canals. The Tioga rail road will connect the bituminous coal field near Blossburg, in Tioga county, with the Chemung and Erie canals, and afford an outlet as well for the iron of that valley, as coal to supply the salt works and other manufactories in the state of New York. The demand for this coal is rapidly increasing, and this company may enter the great northern market without either fear of competition at home, or of the reduction of the Tariff.

Another avenue will be opened from the bituminous coal field, by the Philipsburg and Juniata rail road, designed to cross the Allegheny mountain, and to intersect the Pennsylvania canal at Petersburg, in Huntingdon county—distance from Philipsburg twenty-eight miles. The route has been examined by a competent engineer—reported to be practicable—the stock subscribed, and the work, it is expected will soon be placed under contract. This road, crossing the Allegheny mountain, hitherto considered an almost insurmountable barrier, interdicting to a great extent the trade of the east and west, will furnish the means of supplying the extensive iron works on the Juniata with fuel, as well as the more eastern markets, and also for the transportation of merchandise, to many of the north-western counties. The committee have been favored with the perusal of the first report of the president to the stockholders, from which they have taken some in-

teresting extracts, relative to the use and general advantages of bituminous coal. [Vide appendix No. 24.]

Then, at what price per ton, can our bituminous coal, by these different communications, when completed, be taken to Philadelphia? The answer will determine whether we can successfully compete with the importers of foreign coal, and whether the present duty might with propriety be repealed.

As the Pennsylvania canal terminates at Dunstown, and there enters the threshold or opening into the coal region, it is conceived that this is the point from which the estimates may be fairly made, for the coal of the Susquehanna; because it cannot be doubted that such facilities will be afforded by improving the river above by slack-water navigation or otherwise, as will give to the vast mineral resources of Clearfield county equal accommodations, and enable them to enter the canal at this place upon equal terms. The committee have obtained various estimates from those acquainted with the business, and inserted in the appendix, from which it would appear that coal may be delivered from the Lycoming Company's mines, at Philadelphia, for four dollars and fifty-nine cents per ton, thus:—

Cost of mining and loading boats per ton,	\$1 00
Toll to Columbia, 144 miles at half cent per mile,	72
Transportation and freight per ton,	1 37
Toll on rail road at the same rate, eighty miles,	40
Transportation and freight,	1 10
Total,	\$4 59

Other estimates are made by the Union and Schuylkill canals, and also by the proposed rail road from Middletown to Lancaster, (which would be the shortest route,) but are not materially different from the above. Mr. Philips, president of the Philipsburg and Juniata Rail Road Company, estimates the cost from the mines, by their rail road, the Pennsylvania canal, the Union and Schuylkill canals, at four dollars and ninety-seven cents per ton. Mr. Karthaus estimates the cost of "Karthaus coal" at five dollars per ton—others at five dollars twenty-five cents, and five dollars and fifty cents. If we adopt the highest estimate, and add the expense of shipment from Philadelphia to New York, one dollar per ton, the total cost at the latter place will be six dollars and fifty cents. The shipment to Boston will cost one dollar and fifty cents, making seven dollars per ton. It is manifest, therefore, that the imposition or repeal of a duty of one dollar and eighty cents, cannot fail to affect the trade very materially; and if repealed at the present time might discourage those who are making preparations to enter largely into the business. Inland navigation is free from many difficulties and risks to which that of the Atlantic is exposed; and it is believed that upon the completion of our public works, such facilities will be afforded, by a suitable reduction of tolls, as to enable us to deliver coal at Philadelphia upon such terms as to make it the interest of the consumers on the sea board to purchase at home rather than abroad. The Chesapeake and Ohio canal, if completed to Cumberland, in Maryland, will open an avenue through which the coal of Somerset county will find its way to the south. A continuation of the Susquehanna canal from Columbia to Port Deposit would place the coal of Lycoming, Centre, and Clearfield, in the field of open competition for the southern market.

The quantity of foreign coal imported into the United States, during the last year was eighty four thousand one hundred and forty four tons, which, if supplied from our own mines, would have distributed more than half a million of dollars among our own citizens, and paid in tolls to the state, not less than one hundred thousand dollars. The amount of importation is no doubt greatly limited by the protective duty.

The committee having thus brought into view such facts as in their judgment demonstrate our ability to

supply any demand for bituminous coal, either in the United States or elsewhere, will not swell their report by comment. Believing that the interests of the country, and particularly those of Pennsylvania would be injured by throwing open our ports to the free ingress of foreign coal, they respectfully recommend to the Senate the adoption of the resolution already offered by their chairman, and submit the question with entire confidence to the wisdom and patriotism of the national Legislature.

Extent of Coal Lands in Pennsylvania.

	Square miles.	Acres.
Bituminous, 21,000	or	13,440,000
Anthracite, 975	"	624,000

Having thus hastily sketched the past and present history of the coal trade and its incidents, the committee may be indulged in a remark upon the future.

The average increase of consumption, from the commencement of the anthracite coal trade in 1820, has been a fraction more than thirty-three per cent., or an increase of one-third yearly. There is every reason to believe that the increase for the ensuing ten years will be in the same ratio. Coal is even yet used by comparatively a small portion of our population. The value of fuel, including wood and coal, required for consumption in the cities of Philadelphia and New York, in the year 1830 and 1833, was as follows:

	New York city.	Philadelphia city and county.
In 1830—		
Average value of wood of all kinds,	\$493,085 86	\$612,102 13
Coal anthracite and bituminous and charcoal,	321,731 86	308,400 00
	<u>\$814,817 72</u>	<u>\$920,502 13</u>
1833—		
Wood of all kinds,	631,250 00	741,321 18
Coal of all kinds,	496,180 15	404,401 00
	<u>\$1,127,430 15</u>	<u>\$1,145,722 18</u>

The annual consumption of wood in the two cities amounts in value, therefore, to one million, three hundred and seventy-two thousand five hundred and seventy-one dollars and eighteen cents. And it is a little singular that, notwithstanding the consumption of coal has greatly increased, there has been no diminution in the consumption of wood. The consumption of the former has, perhaps, about kept pace with the increase of population. In time, however, wood must give place in a great measure to coal as an article of fuel; and if now used alone, there would be a demand in these two cities for an additional quantity of about three hundred thousand tons.

The population of the city and county of Philadelphia in 1830, was one hundred and eighty eight thousand seven hundred and ninety-seven souls, and may now be estimated with safety at two hundred thousand. Dividing the cost of fuel (one million one hundred and forty-five thousand seven hundred and twenty two dollars,) by the population, (two hundred thousand,) we have the average cost of fuel for each inhabitant, *five dollars and seventy-two cents*. If coal were to supersede entirely the use of wood, this population would save annually about five hundred thousand dollars.

If the annual consumption of coal for the ensuing ten years should be in the same ratio as that of the ten years past, the increase will be as follows:

1833	592,210 tons at \$5 per ton	\$2,961,050
1834	789,613 do	3,948,065
1835	1,052,280 do	5,261,100
1836	1,403,040 do	7,015,200
1837	1,870,713 do	9,353,555

1838	2,494,284 tons at \$5 per ton	12,471,420
1839	3,325,712 do	16,628,560
1840	4,434,282 do	22,171,410
1841	5,912,376 do	29,561,880
1842	7,883,168 do	39,415,840
1843	10,510,890 do	52,554,450

Let us suppose that the reality shall be found to amount to only half of the above quantity, we shall still have an annual trade, in 1843, of the value of *twenty-six millions, two hundred and seventy-seven thousand, two hundred and twenty-five dollars*. Who can contemplate the influence of a trade of such magnitude, or set bounds to our march of prosperity and greatness? The coal business at present constitutes by far the largest portion of the coasting trade of Great Britain. Upon the resources of Pennsylvania will in a few years be found to depend in a great measure not only the manufactures, but the commerce of the Union; and if ever that unhappy day should arrive when this Union shall be severed into fragments, (which may Providence in his wisdom avert,) Pennsylvania will have less cause than any other state to dread the separation; for, relying not alone upon her reserved rights, but her native resources—and looking back upon her firm and devoted attachment to the institutions of the country, the patriotism and wisdom of her statesmen, and the policy of her laws; she will have it in her power to exact tribute from all the other states or empires, and even from other portions of the world, for the treasures of her mines.

It only remains for the committee, in the language of the resolution referred to them, to speak of "the effect of incorporated companies, having mining and trading privileges, on the progress of the business, and the improvement and prosperity of the country." These may readily be discovered by an examination of the facts contained in this report. That they have generally been beneficial, is obvious. They have been mainly instrumental in introducing the use of anthracite coal; and in the "progress of the business," they have contributed largely to furnish a constant and regular supply, by which the demand for coal has been increased, and the community accommodated at a fair and reasonable price.

With the exception of the grants to the Delaware and North America coal companies, made by the last Legislature, under peculiar circumstances, mining privileges have never been granted where mining alone was the object of the association, but for considerations of a secondary nature, and as inducements to companies to accomplish what have been regarded as greater public objects. Neither the Lehigh navigation, by which coal was first introduced into Philadelphia, nor the Delaware and Hudson canal and rail road, would have been made without this inducement; and it must be admitted that the "improvement and prosperity of the country" have been thereby greatly promoted, and to a much greater extent than if they never had been made. It does not follow, however, that if these improvements had been made, without those privileges, and as great public highways for the general accommodation of the country they would not have been more useful, and more conducive to the public weal.

The principle upon which corporate powers are conferred appear to be well known, and the policy of the Legislature to have been long established. They have been conferred when deemed necessary to promote objects of a public nature, and for the purpose of developing new and untried enterprises which may be supposed in their results to confer public benefits, but never where the object is exclusively private, and where individual means can be more appropriately applied. In 1806, application was made to the Legislature by the "Pittsburg Carpenter's Society," for an act of incorporation. The petition was referred to a committee of which Mr. Lacock was chairman, and whose report unfavorable to the object was adopted by a *unanimous vote* of the House of Representatives.

It was then declared by the Legislature, that "whatever might tend in the remotest degree, to establish preferences among any class of citizens engaged in any art, trade, or manufacture, or to destroy a just competition; or which in any shape, might encourage the least kind of monopoly, should be carefully avoided in a republican government, having for one of its great leading principles, that of an equality of rights."

There is at this day no greater necessity for conferring corporate powers upon a class of men to mine coal, than there was at that day to enable a society of carpenters to plane boards, or of farmers to plough their lands. Canals and rail-roads are now completed to a sufficient extent, particularly in the first coal field, for present purposes, and every man of sufficient means to purchase a tract of coal land, may engage in the business and prosecute it with ample success, regardless alike of risk and uncertainty as of corporate privileges. The business can now be brought entirely within the control of individual means, and individual enterprise. A large number of mines are worked by tenants, who send to market yearly from two to six thousand tons of coal, and employ a capital of less than fifteen hundred dollars. A "respectable colliery establishment," including the price of a coal tract of land, has been estimated at about ten thousand dollars

Coal land,	\$3 500
Opening mines, wagons, &c,	3,000
Boats,	2,500
Working capital,	1,000
Total,	\$10,000

Mines are now extensively opened, and the many difficulties and expenses incident to the business are overcome. All the coal dealers agree, that with the mines now opened and improvements made, double the quantity of coal could have been sent to market during the last year, had there been a demand for it.

But notwithstanding individual means may be adequate to prosecute the coal trade, without charters of incorporation, it may be well doubted whether, if the demand for coal continue to increase in the same ratio for the next ten years, attempts may not be made here, as in England, to monopolize the business—and whether here as there, it may not ultimately pass into the hands of rich capitalists. A large business will of course require a large capital; and if, in the pursuit of honest industry one class of citizens should become wealthy and amass large fortunes we cannot and ought not to deprive them of the advantages of their wealth; but the Legislature may and ought to prevent them from uniting with these advantages artificial powers and distinctions which may, if improperly exercised, make "the rich richer, and the poor poorer." The more diffused and widely spread are the operations, the greater will be the advantages to the public, and the less the liability to a consolidation or monopoly of trade; and if ever this spirit should manifest itself by endeavouring to monopolize coal lands, it may become necessary for the purpose of preserving divisions of labour, and to keep down monopoly, for the Legislature to authorize limited partnerships, with limited capital, limited parcels of lands, and so restricted in other respects as to promote the very objects for which individual coal dealers now so laudably and legitimately contend. That even corporations could be erected, and with these advantages, cannot be doubted. A corporation in law is just what the incorporating act makes it. It is the creature of the law, and may be moulded to any shape or for any purpose that the Legislature may deem most conducive to the general good. It is hoped, however, that a necessity for such acts may not occur; nor should they ever be conferred as a matter of convenience or for private benefit, but as a matter of the direst necessity, and for the common good of the community. Natural liberty and human action should be

no farther restrained by legislative enactment than is consistent with, or indispensable to the purposes of civil society and republican government; and every citizen, suffering no greater restraints than it may be absolutely necessary for him to yield to these purposes, should be allowed freely to pursue his own true and substantial happiness. Too much legislation is more to be dreaded than the entire want of it. The maxim is true, that "the world is governed too much."

It has been said that charters were granted to the Delaware Coal Company, and the North American Coal Company, for the term of five years, by the last Legislature under peculiar circumstances. It was so. These companies had obtained charters originally from other states, and were composed of citizens who were among the first to enter the wilderness and the mountains of Schuylkill county, and to develop her mineral wealth. They were among the pioneers in the business, and expended very large sums in opening mines and in the general improvement of the country. They have pursued the legitimate objects of their creation, by yearly mining and sending to market large quantities of coal. It is not urged in the answers of the respectable coal dealers of Schuylkill county to the committee, that their corporate privileges should now be resumed. Individual operators are rather opposed to the principle of granting charters, and rather deprecate the policy, than fear any injury from the operations of these two companies. It is, therefore, more important that the policy of the Legislature should be known and settled, than what that particular policy may be. Individuals feel unsafe in investing their capital and in embarking in a business liable to fluctuation, and to the caprice of legislation.

Under these circumstances, application was made to the Legislature to escheat to the Commonwealth, under the statutes of *mortmain*, the lands of these companies, and to compel them to discontinue operations under their foreign charters. These measures were deemed too harsh; and considering the many benefits conferred upon the public by these companies, or rather by the individuals composing them, the Legislature gave them a charter for five years, reserving the right at any time to resume the grant. The committee, after a full consideration of the case, have no reason to question the propriety of these grants, nor to urge their resumption. They are now actively and usefully engaged in the mining and transportation of coal. They possess no undue control over rail roads or canals, nor powers of exclusion. They are carefully restricted in their charters as to quantity of land, and the extent of their duration; and so long as they pursue the line of open and honorable competition, and honestly continue to rely upon the mining of coal to remunerate their stockholders, there would seem to exist little cause of complaint on the part of their individual competitors. If, however, they shall be found in the progress of their operations, to engage in any thing foreign to the purposes of their creation, or in any measures calculated to retard the public prosperity or to cripple individual enterprise, this would present a proper case for the interposition of the Legislature. So long as no charge of impropriety, or of injurious tendency to the public is preferred against them, it would, in the opinion of the committee, be unwise in the Legislature, and not desired by the intelligent citizens of Schuylkill county, at present, to resume their privileges and destroy their operations. They have yet four years to prosecute their business, in their corporate capacities, and to close their concerns. Their charters will then expire, and the individuals composing the companies be placed in possession of their lands, and be allowed either to discontinue or pursue the business upon equal grounds with other operators.

The grand evil, in relation to the incorporation of companies, and against which the committee would most earnestly protest, is in giving them, in addition to

their mining privileges, the control of a canal or rail road, with power to lock up at pleasure the resources of a whole valley or community. To this source may be traced many of the evils complained of by the public; and it is hoped, as at this day such inducements cannot be considered necessary to the construction of public improvements, they may in future be guarded against by the Legislature. For mining purposes alone, such powers would at present seem to be entirely unnecessary, unless in the cases already adverted to. Should they ever hereafter, under change of circumstances, be deemed necessary, the Legislature will then be competent to determine the question. Until that exigency arrive, it would, in the opinion of the committee, be the surest and safest policy to allow the business to remain open to the free and untrammelled exercise of individual enterprise, and individual control.

The committee, therefore, having extended this report to a greater length, they fear, than may be acceptable to the Senate, will not stop to comment upon the many other points which the case would seem to present, nor to analyze, more in detail, the facts communicated by the coal dealers of the different districts. They conclude by expressing the opinion, that, with the exception of the measures already recommended, there is at present no "further Legislative provision necessary to protect, facilitate and encourage the coal trade."

Statement of the quantity of Anthracite Coal shipped down the Schuylkill, in each year, from the opening of the navigation, in the year 1825, to 1833, inclusive—Showing

Years.	The number of shippers, in each year, of quantities.						To intermediate places between the mines and Philadelphia.	To Philadelphia.	Total quantity shipped.	Whole number of shippers in each year.
	Under 50 tons.	50 to 300 tons.	300 to 1000 tons.	1000 to 4000 tons.	4000 to 10,000 tons.	Above 20,000 tons.				
1825	13	14	8	3	1	—	3,154	13,681	5,306	28
1826	24	24	8	3	1	—	3,372	26,121	16,835	60
1827	37	21	8	5	2	—	3,392	29,493	29,493	73
1828	23	23	5	8	1	—	3,391	43,839	47,181	61
1829	50	39	6	10	5	1	6,150	72,972	78,293	111
1830	117	96	16	14	4	1	6,150	79,348	79,348	238
1831	117	93	20	11	6	1	Qu'ty not ment.	79,348	79,348	247
1832	80	109	16	27	11	2	13,429	193,063	208,492	246
1833	96	121	28	20	8	4	19,426	253,469	254,895	280
Total	537	540	107	99	38	7	54,174	756,050	810,224	

† For a table of Foreign Coal imported into Philadelphia from 1820 to 1830, see Reg. Vol. vii. page 400.—ED. REG.

Statement shewing the respective quantities of Lehigh, Schuylkill and Lackawanna (Anthracite) coal mined and brought to market in each year, from the commencement of that business in the year 1820, to the year 1833, inclusive, with an estimate of the whole quantity consumed, and the surplus remaining on hand in the different coal markets (at the water), on 1st April in each year; also the quantity of foreign (bituminous) coal, imported into and exported from the United States, in each year, ending on the 30th September, from 1821 to 1833, inclusive, showing the balance left for consumption in the United States, reduced into tons of 30 bushels each.

Year.	Receipts of Lehigh.		Receipts of Schuylkill.		Receipts of Lackawanna.		On hand at 1st April, & all kinds in store to make year ending 1st April.		Consumption in Phila. & vicinity during year.		Per cent.		Lehigh, Schuyl.		Foreign (Bituminous) Coal.	
	tons	365 tons	tons	365 tons	tons	365 tons	tons	365 tons	tons	365 tons	Per cent.	Per cent.	tons	365 tons	tons	365 tons
1820	1,073	365	—	—	—	—	1,073	365	1,073	365	—	—	840	840	637,737	8,318
1821	2,240	—	—	—	—	—	2,240	—	2,240	—	190	840	—	—	970,828	4,167
1822	5,823	—	—	—	—	—	5,823	—	5,823	—	125	840	—	—	884,983	2,846
1823	9,541	—	—	—	—	—	9,541	—	9,541	—	64	733	—	—	764,815	2,414
1824	5,306	—	—	—	—	—	5,306	—	5,306	—	64	733	—	—	722,255	4,140
1825	31,280	—	—	—	—	—	31,280	—	31,280	—	230	733	—	—	1,970,021	1,080
1826	32,074	—	—	—	—	—	32,074	—	32,074	—	700	700	—	—	906,200	1,743
1827	29,493	—	—	—	—	—	29,493	—	29,493	—	650	650	—	—	968,477	4,778
1828	30,232	—	—	—	—	—	30,232	—	30,232	—	39	650	—	—	750,127	1,273
1829	23,110	—	—	—	—	—	23,110	—	23,110	—	42	650	—	—	1,022,245	4,329
1830	40,966	—	—	—	—	—	40,966	—	40,966	—	37	6	—	—	1,011,022	1,011
1831	81,854	—	—	—	—	—	81,854	—	81,854	—	64	6	—	—	1,022,245	1,022
1832	84,600	—	—	—	—	—	84,600	—	84,600	—	36	6	—	—	1,022,245	1,022
1833	123,000	—	—	—	—	—	123,000	—	123,000	—	37	6	—	—	1,022,245	1,022
Total	446,847	808,825	500,377	120,000	545,365	435,365	37	475	525	525						

* This owing to the mild season is probably 150,000.—ED. REG.

(To be continued.)

From the Philadelphia Gazette.

REPORT TO COUNCILS, ON REMOVAL OF THE DEPOSITS.

March 27th.

Dr. Huston, from the special committee appointed to inquire into the effects of the removal of the public deposits from the United States Bank, on the interests of the city, made the following report, accompanied by the annexed resolutions.

"The Committee appointed at the last meeting of Councils, to inquire into the effects of the removal of the public deposits from the Bank of United States, upon the interests of the city, and whether any measures are necessary on the part of Councils in consequence thereof, offer the following Report:

The City of Philadelphia holds in her own right, and as trustee of the Girard Estate, of Wills' Hospital, and several other legacies for public uses, Stocks and Real Estate to a very large amount; and hence is subject, in her corporate resources, to all the causes which operate on general and individual property.

The rise or fall of stock is ordinarily the result either of a contraction of the currency of the country or of causes which directly affect their dividends; and whatever affects trade and commerce in a large city, correspondingly influences the value of Real Estate, and rents rise or fall accordingly. The committee have therefore found it not only difficult, but impossible, to separate the interests of the city, as a corporation, from that of the inhabitants who compose its population; and an affinity equally close will be found to exist between the City and the State, as well as between the State and all the other parts of the Union. Hence to do full justice to the inquiry which they have been directed to make, would require that the examination should extend to the present state of all the arts, trades, and occupations of our citizens, and the prospective influence of the present condition of monetary operations, compared with that which existed anterior to the measure referred to in the resolution. So broad a field of inquiry, your Committee apprehend was not contemplated by Councils, and they have therefore restricted themselves in a great measure to an inquiry into the immediate effects of the removal of the public deposits from the United States Bank upon the fiscal concerns of the city.

They have felt themselves the less called upon in fact to take up the broad subject, from the very ample manner in which the inexpediency and impropriety of the measure has been exposed in Congress, by the public press, and by our citizens in their different town meetings. In truth, the very advocates of the measure, are now compelled by the results, to admit its baleful consequences.

On the 15th of the present month, (March, 1834,) 41,285 shares of the capital stock of the Bank of the United States, were held by Philadelphians; of which the city of Philadelphia holds 6,331 shares devised to the corporation, in trust, by the late Stephen Girard. Of the remainder, 226 females hold 5998 shares; 5949 shares are held by ninety-five Guardians, Executors, and Trustees; and 27 Literary and Benevolent Societies hold in all 1838 shares—leaving 21,869 shares which are held by other inhabitants of Philadelphia.

From the depreciation in the price of this stock, consequent upon the hostile attitude assumed by the President of the United States, it will be perceived that the stroke of his power has fallen with peculiar hardship and force upon those of our citizens who are least able to bear it.

In every age, and in all countries, whether in peace, or war, *wid-ows, orphans, females and aged persons*, have been objects of clemency and protection; and it is humiliating to find that a like generous feeling has found no place in the breast of the chief magistrate of a great and powerful nation, when meditating the ruin of an institution of signal utility to the country, and in the capital stock of which, many of the most helpless part of

our population have embarked their only means of support.

As stated above, of the 41,285 shares held in Philadelphia, 6331 belong to the Girard Estate. This stock, when transferred to the credit of the city, by the Executors of Stephen Girard, on the 25th day of Jan. 1833, was valued at \$664,715; but at the present time, 15th March, 1834, is worth in the market but \$653,650 75. Consequently the College Fund, to which it was appropriated, suffers a loss of \$11,064,25. This is but the result of the removal of the public deposits from that Bank, of which this stock constitutes a part of its capital. If, however, we go back to the period of the testator's death, when the intentions of the President were not so well understood, it will be found that even this heavy fall, constitutes but a small part of the actual depreciation. A far heavier loss, however, is sustained by the same fund, in the depreciation of various other stocks purchased by the Executors with the proceeds of S. Girard's Bank, and transferred to the city, under the will—as may be seen in the following table viz—

	Cost	Present Value	Loss
\$176,300 city five per cent. loan	\$201,245	176,300	24,945 00
\$1,123,613,82 Pen state 5 per cent loan	1,283,941 46	1,123,613 82	160,327 64
\$265,850 Schuylkill Navigation 5 1/2 per cent. loan	276,484	271,867	4,617 00
\$9,089 37-100 do. do. 5 per cent.	10,000	9,089 37	910 63
\$2,200 shs Schuylkill Navigation Co. stock.	264,000	190,000	74,000 00
			264,800 27
			Loss on U. S. Bank stock—11,064 25

Total loss—\$275,864 52

Thus it will be seen that in the stocks held by the city, belonging to the Girard Estate alone, that a loss is already sustained, in a few short months of "*the experiment*," of two hundred and seventy five thousand eight hundred and sixty four dollars and fifty-two cents.

During the same period, the stocks held by the city sinking fund, have fallen in an equal degree, as will be found by the following statement.

\$239,500—city five per cents. have depreciated	\$16,320 50
\$66,891 56—state five per cents. do.	8,225 16
500 shares Schuylkill Navigation Co. do.	11,500 00
394—do Schuylkill Permanent bridge stock	394 00
	\$36,439 66

Showing a loss to the sinking fund of thirty-six thousand four hundred and thirty-nine dollars and sixty-six cents; which added to the depreciation in the Girard stocks, makes the enormous loss to the city of three hundred and twelve thousand three hundred and four dollars and eighteen cents, in the present state of "*the experiment*," without including the other legacies referred to. This, however, large as it undoubtedly is, we regret to say, constitutes but an exceedingly small part of the blighting influence of that illegal and arbitrary measure of the Executive of our general government, upon the interests of Philadelphia. Wherever we cast our eyes, we behold its destroying influence. Like the fatal sirocco of the east, it has swept over the face of this beautiful land, destroying commerce, prostrating manufactories, robbing agriculture of its just reward, and every where paralyzing the hand of industry.

The magnificent chain of state improvements, to which the citizens of Philadelphia have contributed so largely, and which if completed, would pour the vast

trade of the west into her lap, are not only retarded, but almost wholly suspended.

When our rail roads and canals are arrested in their progress, when trade and commerce are ruined, manufacturers thrown out of employment, and laborers cast penniless into the streets, it is impossible to calculate the influence of a measure fraught with such results upon the interest of the city.

If this state of things shall continue, and continue it must, if the voice of the people shall not prevail over the influences of tyranny and corruption, the time is not distant when the interests of the city will be seriously affected by the reduction of its rental.

Besides the extensive wharves and store houses belonging to the corporation, a very large amount of the Girard Estate consists in improved property, within the city and adjoining districts; which must inevitably depreciate in value, with the general disruption of all regular and useful branches of industry. The advantages which tenants of this property possess, in the excellency and location of the buildings, with the certainty of continuing as long as their business and convenience may permit, are circumstances which will resist the pressure for a time, but must ultimately yield to the violence of the general shock.

In conclusion your committee respectfully recommend to Councils the adoption of a memorial to Congress, praying that the deposits of the public money may hereafter be made in the United States Bank, and the charter thereof renewed, with such modifications as experience and the wisdom of Congress may suggest; and that a joint committee of Councils be appointed to convey it to Washington, with authority to take such other measures as they may deem it expedient in the matter.

R. M. HUSTON,
JOS. R. CHANDLER,
WM. M. MEREDITH,
RICHARD PRICE.

Resolved, That a joint committee of three members of each council, be appointed to proceed to the city of Washington with the memorial of these Councils, in relation to the United States Bank, and that they be instructed to use all proper means for the furtherance of its objects.

The report and resolution were adopted, and Messrs. Huston, Chandler, and Smith, appointed on the committee, to convey the memorial to Washington. In the Select Council, Messrs. Groves, Wetherill, and Lippincott, were appointed on the same committee.

NEW STATE BANK PROPOSED.

The following petition was referred to the committee on Banks on Tuesday; that committee reported against the project on Wednesday, and the report was immediately adopted.—*Harrisburgh Chronicle*.

To the Senate and House of Representatives of Pennsylvania in General Assembly met.

The memorial and petition of the subscribers, citizens of the city and county of Philadelphia, respectfully represents:

That they are induced to call the attention of the General Assembly of Pennsylvania to the subject of a State Bank on a large scale, not more by the present embarrassed state of the financial concerns of the Commonwealth, and the distresses existing throughout the community in general, than from a conviction that it is in the power of the General Assembly to afford at one and the same time relief from these, and highly important benefits, present and future, to the public interests of the State, and the private welfare of its citizens. It is not to be doubted, that there exists throughout the community much embarrassment and uncertainty in regard to the operations of the money market. It is not less to be doubted that this has arisen in a great degree from the approaching termination of the charter of the Bank of the United States, and the measures that have been pursued on account of that circumstance. Into

the nature, character or propriety of those measures it is not the intention of your memorialists now to inquire. It is sufficient that the consequences of them are known, and that the evils must be remedied, from whatever source the causes of them proceed. This is no imperative as a duty of those who have it in their power, since their is certainly little prospect of a favorable change during the period of the charter of the Bank of the United States still unexpired. It is evident that the directors of that institution believe it to be necessary or expedient for them gradually to lessen its business, and to commence or continue, "gently but steadily," as they state, a reduction of its loans, and probably of its circulation. Such an operation, however wisely conducted, cannot fail to produce a corresponding effect on the money market, and it seems to be self evident, that during its continuance the present distress, unless prevented or lessened by some counteracting system, must continue.

But as citizens of Pennsylvania there is another motive for the exercise of the powers of the General Assembly—the continuance and even the preservation of our great system of internal improvements. This has now become inseparably connected with the welfare of the State and its citizens. It has proceeded to an extent which imperiously demands its completion. The large sums already expended will otherwise have been injudiciously thrown away. Even the public credit of the State, always high, will be endangered; and public burdens will have to be imposed in forms unaccordant with either the interests or feelings of the people. To prevent this, therefore, is the duty as it must be the desire of the Legislature; and if it be easily, promptly, legally and advantageously done, your memorialists do not doubt that the General Assembly will cheerfully lend its aid.

While your memorialists cannot view the mere profit of the State in offering sufficient inducement for establishing an institution such as they propose, yet when that end may be fairly gained in effecting a great object of public policy it will undoubtedly and justly be considered as an additional inducement towards carrying it into effect. The revenue of the State was easily derived heretofore, to a considerable extent, from its investments in various banks—and the interest and control which it thus derived in those institutions was serviceable to them, and tended to prevent irregularities which are too liable to exist or arise in monied corporations not properly guarded. It seems, therefore, a just exercise of the powers of the General Assembly, especially at the present moment, to look with a favorable eye towards an establishment, which may be a source of emolument, under such control as will prevent any injurious exercise of its powers. The solid wealth and the increasing resources of the State of Pennsylvania, will give to her establishments, a weight and confidence co extensive with the federal Union. Other States might therefore be induced to make such arrangements with her as to derive the benefit of these. At the same time the mutual facilities of trade might be increased, and uniformly given to the circulating medium of commerce to an extent which would prove a great national benefit, without being attended with serious disadvantages or objections. It is apparent that some mode must be resorted to for attaining these ends; and it is not difficult to foresee that the most probable mode would be the creation of more State banks with small capitals. These might increase the circulation of paper, but the aid thus given to commerce, would be fictitious, and the currency thus established would be any thing but sound and uniform. It would seem, therefore, the evident policy of the General Assembly to adopt a system which would produce the desired results, and not only avoid, but actually prevent these evils. And there can be no doubt, but that the creation of an institution such as your memorialists propose would effect this. It would give to the community all the aid of increased capital and an enlarged circulation, while it would ex-

pressly exclude during the continuance of its charter, the further creation of small state banks.

It is on these principles that your memorialists found their application for the immediate incorporation of "the State Bank of Pennsylvania." They propose that the capital should be ten millions of dollars, divided into shares of fifty dollars each, so as to permit all the industrious citizens of the commonwealth to participate in its advantages, and that five dollars should be paid on every share at the time of subscribing. The commonwealth itself should be interested to one half of the amount of the capital, and authorized to issue her bonds or stock at thirty years for the amount of the subscription; nor do your memorialists doubt that the amount of these might be realized in specie so as to afford a considerable profit in that part of the transaction. With a view to relieve the state in its present difficulties, and to afford a certain fund for the farther progress of its public improvements, the Bank shall be obliged to furnish

dollars per annum, at an interest of five per cent, not exceeding in the whole five millions of dollars. That every portion of the commonwealth might effectually participate in the advantages of the measure, and that a circulating medium of equal and undoubted value might be created, branches of the State Bank might be established at different points in the State. Nor do your memorialists think it would be necessary to rest here.—They believe the credit of Pennsylvania, and the confidence reposed in it by the rest of the Union, would render it possible and even advisable to establish in them, branches of the same institution, under such regulations as their respective legislatures might authorize on application being made to them for that purpose. It would only be however in this view, and under these restrictions, that your memorialists would propose the grant of such a right; and the necessary sanction by the Legislatures of other states, on such terms and conditions as they might impose, would guarantee its exercise only in such manner as would be altogether consistent with the public welfare. In conducting its operations no secret influence should be allowed to interfere, and one vote only should be allowed to every stockholder either in person or by proxy, under such regulations as might prevent any combination for sinister purposes, or any assumption of power, that could not at all times be easily controlled.

In presenting these views to the consideration of the General Assembly, your memorialists only profess to give the outlines of an institution which they believe would at the present moment be eminently advantageous to the whole United States. The particular details would be of course the subject of consideration in forming the necessary charter. They venture, however, to assert with confidence, that the passage of such a law would immediately restore to the whole community, that commercial prosperity which has of late ceased to exist, place on a fair and firm footing the finances of the State, carry rapidly to completion our noble system of internal improvement, afford a just source of profit and emolument to the commonwealth, independent of taxation, and prove a safeguard against the evils likely to arise from the recurrence of such events as those which at present affect our public resources, and individual welfare.

(Signed,)

Thomas Roney, Jo. Humes, Benj. Mifflin, Alex. Diamond, John W. Ashmead, John R. Vodge, S. Badger, Wm. G. Alexander, Jno. Keefe, F. G. Wolbert, Edmund C. Watmough, Paul S. Brown, J. A. Phillips, Peter A. Grotjan, Alexander E. Dougherty, Henry Simpson, B. S. Bonsall, J. N. Barker, Wm. Vodge, Samuel Davis, Henry Horn, J. T. Knight, Christian Kneass, Peter Wager, Carey F. Kneass, Wm. Duntun, V. L. Bradford, Henry Leech, of Blockley, Wm. Stephens, Thomas Penn Gaskill, A. M. Howell, Lewis Taylor, Edward King, Benj. E. Carpenter, F.

A. Raybold, William Badger, James Page, Edward Hurst, William J. Leiper, Charles Schaeffer, jr., Jacob Heyberger, T. W. L. Freeman, William Stewart, Henry Toland, J. K. Kane, George M'Clellan.

ACADEMY OF FINE ARTS.

PHILADELPHIA, March 26, 1834.

The committee appointed at a meeting of the Stockholders of the *Pennsylvania Academy of Fine Arts*, held on Wednesday the 19th of March, 1834, to investigate the condition of the Academy, and to suggest measures for its relief, beg leave to REPORT:

That they have diligently employed the time allotted to them for the purpose, in examining into the affairs of the institution, and they find that its whole debts, exclusive of the principal of ground rent, amounts to \$6,778 51; and its whole property is estimated at 49,550 00; leaving a balance in favor of the Academy of 42,771 49 cents.

The property of the Institution consists of the lot and building in Chesnut street, pictures, statues, casts, books, engravings, and impressions of antique gems, and an hundred and thirty-one shares of stock at present owned by the corporation.

The annual resources are derived from occasional sales of stock, annual payments of stockholders, commutations for annual payments, life subscriptions, and receipts from visitors. Of these sources of revenue, the only important ones have been of late years, the annual contributions of about one hundred and fifty-eight members, amounting to

The average receipts from visitors,	\$316 00
	574 53

The whole income is, therefore	\$890 53
From which a deduction of its ordinary expenses, including the ground rent,	600 00

Will leave, if the debt were removed, a nett surplus per annum of \$290 53

So that if the Academy were free from the debt which is now threatening it with extinction, it could with certainty continue, without further assistance, its useful influence over the fine arts, and keep together a collection certainly superior to any other in this country, and scarcely surpassed by that of any place, except the great capitals of Europe.

A summary view of the value of the property of the Academy will clearly substantiate this assertion. Among its choice pictures, may be signalized the large painting by Alston, of the dead man revived by the bones of the prophet; for which was paid the sum of three thousand five hundred dollars. The "Roman Charity," an original of Muirillo, purchased at Madrid, cost the Academy fifteen hundred dollars, though worth a much larger sum. The Count de Surville immediately recognized it, when he visited the Academy; and there can, therefore remain no doubt of its genuineness and value.

The late Allen Smith, Esq. during a long residence in Europe, with much taste, and at great pains and expense, collected several valuable productions of the great masters. These were captured by the British, and carried into Halifax for adjudication, claimed by the Academy, to which Mr. Smith liberally assigned his right, they were restored to American hands, and are now in the rotunda of the Institution. Among them we particularly noticed a snow scene among hills, and a Marine view, both by Lucatelli.

Besides these the Academy possesses

A scene from Ovid's Metamorphoses, by	Salvator Rosa.
Adam and Eve under temptation	Carlo Lotti.
A dead Abel, very beautiful	Carlo Lotti.
A Magdalen	Corregio.
A scene by	Poussin.
A Marine View	Capelle.

A Yard and Poultry
 A Fruit Piece
 A Spanish full length of Columbus
 An original of Washington, full length
 Besides many other pictures by good masters, of considerable value.

We observed, also, on the walls, *copies* of some great works, such as,

The descent from the Cross, presented to the Cathedral at Baltimore, by Louis XVIII.

Raphael's Madona.

The Farnese Hercules, by Leslie

Gil Blas in the Cave, by Sully, after Opie.

Tribute money, by Sully, after Reubens.

Napoleon on the Alps, by Lawrence, after David

To the liberality of individuals, the Academy is indebted for the temporary possession of a number of valuable pictures. Among these may be mentioned, a Hunting piece, representing Diana and her nymphs, the property of the Count Surveillers. This great work is by Reubens, and has been bid for, at the price of fourteen thousand dollars, which was refused. It is slightly injured by the fire which consumed the owners residence at Bordentown, but is not materially lessened in value. For other good works, the Academy is indebted to Miss Hamilton, Mrs. Deas, Chas. Graff, Levitt Harris, and Stephen Kingston, Esquires.

Excellent as are the paintings, the Committee were more forcibly struck with the extent and beauty of Statues, and Casts, &c. in the Gallery, and must congratulate both the public and the Academy on the possession of such a treasure.

The greater part of these casts were made in Paris, for the Institution, at the request of our public agent there. They were made too by the Royal artists, under an order from Napoleon, when his extensive conquests had brought to the capital of France, nearly all the great works of art which had been produced by the moderns, or which, surviving the ravages of time, and the hand of the spoiler, had descended from antiquity. These casts, taken from splendid originals, are in the eye of taste, greatly preferable to the best marble copies, and give a strong idea of the sublime genius of the ancients. The statues have been subsequently scattered abroad, and restored to their original owners, so that it would not be possible perhaps again to obtain casts of them.

In surveying the gallery, we noticed the Venus di Medici, Venus of the capital, Venus of the Bath, the Apollo Belvidere, the Torse of Hercules, the fighting and the dying Gladiator, Laocoon and his children in the folds of the gigantic serpent, and many other of those works which must remain for ever unsurpassed.

Among the casts of Canova's works, we observe the beautiful Graces, presented by Dr. John G. Clarke. The cast cost him, with the charge of transportation, four hundred dollars. There are also casts of Canova's Venus, Canova's Hebe, Canova's Perseus with the head of Medusa, and a colossal cast of Milo, caught by the rebounding oak, and devoured by wolves, presented to the Academy by J. Laugh, Esq. of London.

The gigantic statue of Ceres, brought to this country and munificently presented to the Academy by Commodore Patterson, is curious, both for the excellence of the execution and the history of its removal. It was found at Megaria, and purchased for six thousand dollars by an English connoisseur, who failed in his efforts to remove it. Our public spirited and enterprising countryman was employed, with two hundred men, for three days in conveying it to his ship.

The library contains many very rare and expensive works, some of which are out of print. Some of the finest of these are the gifts of Napoleon. In this department are between twenty and thirty cases of very fine impressions of ancient gems of the rarest character.

Such is a very imperfect view of the Institution which, *unique* in our country, and honorable to the taste and

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liberality of Philadelphia, is threatened with total ruin by a small debt of less than seven thousand dollars. If once overthrown, the committee believe that it could not again, by any probable contingency, be placed on an equally excellent footing. It is, therefore, with great earnestness and solicitude that they request the immediate attention to this important matter, of not only the stockholders, but all others who take pleasure in viewing these sublime productions of genius and taste, or who desire to retain for our beautiful city, a choice ornament, the product of the labor and the fortunate accidents of thirty years. A single blow now threatens to destroy irreparably, and to render unavailing to the artist, the finest school of the arts which our country now possesses, or will, after its dissolution, probably ever possess.

To enable the institution to continue its fostering care of the arts, and its agreeable exhibitions for the public, it will be necessary to raise not less than *five thousand* dollars; and for that purpose the following suggestions are offered in the form of resolutions.

Resolved, That an attempt be made to raise a sum, for the use of the Academy, of not less than five thousand dollars, and by the following means, viz:

1st. By placing in the hands of a number of the Directors and Stockholders; books, authorising them to be called voluntary contributions, with the condition annexed, that no one shall be called on for the amount of this subscription, unless the sum of five thousand dollars shall have been obtained before the end of the year 1834.

2d By making an effort to sell the shares of stock yet in the possession of the corporation; and

3d. By lowering the commutation of the annual contribution to ten dollars, and endeavouring to induce stockholders to make commutations.

All of which is respectfully submitted.

(Signed)

J. K. MITCHEL,

ISAAC HAYES,

JOHN R. COATES,

SAML. P. GRIFFITHS, Jr.

Committee.

THE MASONIC INSTITUTION.

Mr. STEVENS, from the Committee appointed to investigate the Masonic Institution, made the following

REPORT.

That numerous petitions, signed by a large number of highly respectable citizens of this Commonwealth, have been presented to the Legislature, stating their belief that the Masonic Institution is associated for purposes inconsistent with the equal rights and privileges, which are the birth right of every freeman; that they are bound together by secret obligations and oaths, illegal, immoral, and blasphemous; subversive of all public laws, and hostile to the pure administration of justice. They ask for a Legislative investigation into the truth of these charges, and if supported, a legislative remedy. And, for the purpose of obtaining *authentic* proof, they ask for the appointment of a committee with "power to send for persons and papers." In pursuance of what was supposed to be the prayer of the petitioners, a committee was appointed, and the petitions referred to them. The committee met and organized; and supposing it to be their duty to proceed to investigate the charges made against the Masonic Institution, and thus referred to them, gave the Clerk of the House a precept for a subpoena for witnesses, to be by him issued, and, in the usual way, signed by the Speaker. The committee could not hesitate as to their right to inquire into the truth of the charges, for the investigation of which, they had been specially appointed. Never did they suppose they had been commanded by the House to perform their duty without being clothed with the power asked for by the petitioners, and indispensably necessary and incident to its faithful and intelli-

gent discharge. The Clerk and Speaker of the House thought otherwise, and declined issuing the subpoena. The committee appealed to the House to grant explicitly the questioned power. It was objected to, on the ground, (among others,) that it would subject refractory witnesses to punishment for contempt, if they refused to testify: a power which the House seemed disposed not to exercise towards masonic witnesses. To obviate this objection, the committee consented so to modify the resolution as to give them power to take the testimony of such witnesses only, as would appear and testify voluntarily before them. *The House, by a vote of every member, except two, of all parties not politically opposed to Masonry, refused the request.* The committee were thus prohibited from ascertaining by legal testimony the true character of Free Masonry, as practised in Pennsylvania. Nor could they (fail) to view that decision as a plain intimation by the House, of their unwillingness to have the secret designs, principles and practices of that institution authentically established, and made known to the people. Feeling themselves bound by that intimation, and treating it with the respect which is always due to the wish of this body, the committee feel themselves constrained not to make use of the proof within their power, taken in other States, to develop its iniquities. Such proof might and would be met with the allegation that it might be "New York, but was not Pennsylvania Masonry." To establish the identity of Pennsylvania and New York Masonry, by a Legislative committee vested with adequate power, is left to a future time and other hands. To suppose that it will not soon take place would be a foul, and unwarranted libel on the intelligence and firmness of the free-men of this Commonwealth.

To show the necessity of the power asked for, and to justify their failure to make a more extended report on the subject confided to them, the committee will briefly state the nature and quality of the testimony which they had intended to present to this House. That the evidence might be above suspicion, they had determined to call before them none but adhering masons, who could not be suspected of testifying out of hostility to the institution. To leave no doubt as to the character of the witnesses, it was proposed to examine the masonic members of this House, and of the Cabinet. It was particularly desirable, and intended that the Governor of the Commonwealth should become a witness, and have a full opportunity of explaining under oath, the principle and practices of the Order, of which he is so conspicuous a member.

It was thought that the papers in his possession might throw much light on the question, how far Masonry secures, political and executive favor. Their inspection would have shown whether it be true, that applications for offices have been founded on masonic merit, and claimed as masonic rights. Whether in such applications the "significant symbols," and "mystic watchwords" of masonry have been used. And in how many cases, such applications have been successful in procuring executive patronage. It might not have been unprofitable, also to inquire how many of the convicted felons, who have been pardoned by the present Governor, are "brethren of the mystic tie" and connected by blood or politics, with members of that institution; and how few of those, who could boast of no such connection, have been successful in similar applications.

The committee might possibly have deemed it necessary, in the faithful discharge of their duty, to have called before them some of the Judges, who are masons, to ascertain whether in their official character the "grand hailing sign had been ever handed, sent or thrown" to them by either of the parties litigant; and if so, what had been the result of the trial. This would have been obviously proper, as one of the charges against masonry is its partial and corrupt influence in courts of justice.

Who the witnesses were to be, was distinctly announced to the House, by the chairman of the committee, in the discussion of his resolution. The House decided that no evidence should be taken; every member of the masonic institution present voting in the negative. The committee have deemed this brief history of legislative proceedings necessary to justify them for failing to make a report which is anxiously looked for by the people.

The committee are aware that most of those who opposed the power to send for "persons and papers" did it on the avowed grounds that it was unnecessary, as the principles of masonry were fully disclosed and known. For themselves, the committee have no hesitancy in saying, that Masonry is no longer a secret to any but those who wilfully make it so: and that its principles and practices are as dangerous and atrocious as its most violent opponents have declared. They take pleasure, however, in saying, that a great majority of its members regret its doctrines, habitually disregard its principles, and in honesty, honour and patriotism are inferior to none of their fellow citizens. It is the duty of government, while it looks with charity and forbearance on the past, to take care that in future none of our respectable citizens shall be entrapped into such degrading and painful thralldom. To effect this object, and to give those who profess to be *morally* opposed to masonry, an opportunity to record such opposition, the committee report a bill "to prohibit in future, the administration of Masonic, Odd Fellow's, and all other secret and extra-judicial oaths, obligations, and promises in the nature of oaths."

An act to prohibit the administration and reception of Masonic, Odd Fellow's, and all other secret extra-judicial oaths, obligations and promises in the nature of oaths.

Be it enacted by the Senate and House of Representatives, of the Commonwealth of Pennsylvania, in General Assembly met; and it is hereby enacted by authority of the same,

That, from and after the passing of this act, no person within this Commonwealth, shall administer or receive any Masonic, Odd Fellow's, nor other secret extra-judicial oath, obligation or promise in the nature of an oath, or shall aid, abet, or assist in so doing, under the penalty for the first offence, of twenty-five dollars; for the second offence of fifty dollars; for the third offence of one hundred dollars to be recovered as debts of like amount are now recoverable by law, the one half to go to the use of the informer, and the other half to the common school fund of the county, and for the fourth offence, on conviction thereof, in the Court of Quarter Sessions of the Peace, of the proper county, the person so offending shall be forever after incapable of holding any office of honor, profit or trust within this Commonwealth. In order to insure the conviction of offenders against this act, the person administering the oath, obligation or promise, shall be a good witness, and compelled to testify against the person who received it, and all aiders and abettors; and the person who received it, shall in like manner be a witness against him who administered it, and all his abettors; and any one of the aiders and abettors shall in like manner be a witness against him who administered or received said oath, obligation or promise, and against each and every one of the aiders and abettors; provided that the person thus made a witness, shall never be liable to any prosecution, fines or penalties for having been concerned in any offence to which he shall have thus testified.

From the Perry (Perry Co.) Forest'er.

EXTRAORDINARY GALE.

Twenty buildings destroyed.

SMETHPORT, Pa. March 22, 1834.

The most serious hurricane which was ever witnessed in this section of the country, took place at Lyman-

ville, Potter county, on Thursday last, 20th instant, about 4 o'clock, P. M.; the particulars of which, as related by Mr. John Earle, jr. who was an eye-witness to the sad catastrophe, are briefly as follows:

It commenced on the point of the hill, south of the village, and taking a northerly direction, it levelled the timber in its course, till it came to the Saw Mill, which it entirely demolished. Next the Pail Factory, in which there were four persons, who were blown several rods, and two of them slightly injured, was blown down.—Next the house formerly occupied by Major Lyman, taking the upper story off, and making a complete wreck of the lower; also the shed and wagon house were literally torn to pieces. Next the house occupied by William Crosby was blown down, with Mr. C., his wife, and three children; but fortunately none were injured. Next a large house formerly occupied by Harry Lyman, was unroofed, and the body very much injured; also on the opposite side of the street, a large barn and forty foot shed, were levelled to the ground. Next three log buildings—a school house, dwelling house, and blacksmith shop, were unroofed. Next the dwelling house of Cephas Nelson was unroofed. Next a barn belonging to Almond Woodcock was also blown down, in which there were two span of horses and three boys;—one of the horses was killed and the others slightly injured: the boys were blown about twelve rods, and one of them (a son of Mr. W.) had his thigh broken. Next two houses and a barn, belonging to Mr. Bellis; the barn was blown down and the houses unroofed. Next a house and barn of Mr. Almond Woodcock; the house was unroofed and the barn blown down. Continuing its course in a northern direction it terminated its destructive effects about a mile north of the village.

All the timber in its range was entirely swept to the ground, and fences and orchards completely destroyed. The whole village presents a general mass of ruins. The fields are completely covered with boards, timber and shingles, which were blown from the buildings. Every building in the village was either destroyed or very materially injured: and what is more remarkable, no lives were lost! The loss must no doubt be seriously felt by many. The hail were measured for curiosity, and several measured five inches in circumference.

THE NEW YORK AND PENNSYLVANIA CANALS.

Our canal was open on the 8th of March, and might have been open a month earlier, had it not been delayed by some additions to the aqueduct.—The New York canals are to open on the 17th of April.—Here, then, is a difference of forty days in the time of opening these canals—forty days, during which the Pennsylvania canal will enjoy a monopoly of the transportation business. This, too, is a most favorable year for New York—in ordinary years, this monopoly will last still longer. This, truly, is a great advantage, and we are not surprised to find that New York politics are opposed to Pennsylvania interests.—*Pitts. Gaz.*

STATE TREASURY.

"Treasury Office of Pennsylvania, 2
March 28th, 1834. }

"To the Honorable the House of Representatives of Pennsylvania.

"Gentlemen—in obedience to your resolution of yesterday, I herewith transmit a statement exhibiting the "amount of revenue that has been paid into the Treasury, &c." since the commencement of the present fiscal year, exclusive of \$500,000, the amount of permanent loans for the purposes of internal improvement, per acts of 1833, received from Messrs. S. and M. Allen during the current year.

Very respectfully

Your ob't serv't,

A. MAHON, State Treasurer."

Statement of the amount of revenue paid into the State Treasury, from the 1st of November, 1833, (the commencement of the present fiscal year) to the 27th of March, 1834, from the following sources, viz:

Canal tolls	\$42,685 97
Tax on certain offices	155 06
Tax on writs, &c.	2,407 80
Auction duties	30,779 12
Tavern licenses	40,881 80
Retailing licenses	41,925 34
Hawkers and pedlars licenses	2,930 70
Tin and clock pedlars licenses	1,696 56
Pamphlet laws	102 43
Collateral Inheritances	8,121 47
County rates and levies	83,827 96
Tax on personal property	10,712 57
Tax on bank dividends	72,463 43
Dividends on turnpike, bridge and navigation stock	14,781 17
Fees of the Secretaries office	148 95
Lands and Land office fees	16,331 65
State maps	118 05
Militia and exempt fines	633 29
Dividends on Bank stock	71,615 00
Old debts and miscellaneous	821 26
Auction commissions	600 00
Premiums on loans appropriated by act of 1826, to payment of interest	67,550 00
	511,289 56
Balance in the Treasury 31st Oct. last	367,423 30
	\$878,712 86

POPULATION OF PITTSBURG, 38 YEARS AGO.—In looking over an old file of the Pittsburgh Gazette, we noticed the following paragraph in that paper, of the 9th of January, 1796, which is the earliest authentic account of the population of this place:—

"The number of inhabitants in the borough of Pittsburg, as taken by the Assessors, during the last week, amounts to one thousand three hundred and fifty-five.

FIRST MANUFACTURE OF PAPER IN THE WESTERN COUNTRY.—In the Gazette, of June 24th, 1797, we read as follows:—

"This Paper is made in the Western Country.—It is with great pleasure we present to the public the Pittsburgh Gazette, printed on paper made by Messrs. Jackson & Sharpless, on Redstone Creek, Fayette County. Writing paper of all kinds and qualities, as well as printing paper, will be made at this mill; this is of great importance to the inhabitants of the country, not only because it will be cheaper than that which is brought across the mountains, but it will keep a large sum of money in the country which is yearly sent out for this article."

THE REGISTER.

PHILADELPHIA, APRIL 5, 1834.

In the present number of the Register will be found the report of a Committee of the Pennsylvania Academy of Fine Arts, in relation to the pecuniary embarrassments of that institution. We earnestly request the attention of our readers to this document. Only five thousand dollars are required to ensure the permanency of the Academy,—and certainly there is a sufficiency of taste and liberality in this community to prevent the disgrace it would incur, were the valuable collection of paintings and casts formed by the Academy at considerable expense and trouble, to be broken up for the want of so small a sum.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 15. PHILADELPHIA, APRIL 12, 1834. NO. 327.

PENNSYLVANIA RAIL ROADS.

Report relative to the use of the Pennsylvania Rail Roads.—Mr. Keating, chairman. Read in the House of Representatives, March 14, 1834.

The Committee to whom was referred, on the 9th of December last, so much of the Governor's message as relates to the transportation on, and use of the rail roads of this Commonwealth, Report:

That they have investigated the subject committed to them, with all the deliberation which it required; and that they herewith submit a bill embracing the result of their inquiries.

The novelty of the subject, and the difficulties which surround it, will at once appear from the fact, that in the course of their investigations, the committee have met with no parallel case, to which they could look for conclusive information. All the rail roads in this country, and all those in great Britain, (so far as your committee know,) are owned by private companies; and no information was within their reach, in relation to the rail roads on the continent of Europe, which could be available in this case.

Having, therefore, no precedent to guide them, in relation to rail roads made by a state or government, the committee were obliged to confine themselves to the investigation of the general principles applicable to the case, to the analogies to be derived from the experience of private companies, and to the opinions of enlightened and experienced men.

The first general principle they considered, was, what was the object of these works?—whether intended to benefit a large trade, carried on a long line of public works; or to facilitate the intercourse between points not far distant from each other? Thus the first inquiry is, undoubtedly, was the Philadelphia and Columbia rail road made to benefit the great trade between the east and west, between the Allegheny and the Lakes on the one side, and the Delaware on the other; or was it chiefly intended for the readier and cheaper transportation to the market of Philadelphia, of the various produce of the rich counties of Chester and Lancaster? After it shall be decided which of these objects is the most important; to the accomplishment of that object, the plan must be made to conform. Upon this point, the committee believe there can be no doubt. The great resources of the State could not have been appealed to; three millions of the public money would not have been expended to facilitate any intercourse of a local and limited character. If a State is ever justifiable in undertaking a great work of this kind, it can only be where the benefits are to be general, and where the advantages of them can be felt in the remotest corners of her territory. In looking back to the history of our public improvements, we obtain proof that this was really the object first had in view. The public-spirited citizen who for so many years devoted his time and his best abilities to the promotion of the improvement of the State, and who has, in a measure, identified his name with them, appears to have been the first who brought the subject before the Legislature. In H. R. vol. I, 1826—7, we find that on the 21st of March, Mr. Lehman introduced the following resolution:

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"Whereas the State of Maryland has incorporated a company, with a view of intersecting the Pennsylvania canal, for the purpose of conveying the trade of Pennsylvania to Baltimore: And whereas, &c. Therefore,

"Resolved, That the committee on inland navigation and internal improvement, be instructed to consider the expediency of requiring the board of canal commissioners to make suitable examinations, within the present year, with a view to the aforesaid objects, and to make report early in the ensuing session of the Legislature; and also to make report in relation to the practicability and probable cost of a rail way along the valley of the Susquehanna, from the Pennsylvania canal to Columbia, and from thence through the city of Lancaster to Philadelphia."

And in their report of Dec. 28, 1827, the canal commissioners observe, that they believe that a communication from Columbia, by rail way, to Philadelphia, is decidedly preferable. Regarding this rail way as an important feature in the system of improvement, they have been gratified to find, that from the bank of the Susquehanna, (for surmounting which a stationary engine will be required,) the limit of graduation for locomotive machinery, may be preserved the whole distance to the city of Philadelphia.

Thus, it is evident that this road was undertaken with a view, principally, to facilitate the great eastern and western trade, and that no system should be adopted which can, in any manner, impair its usefulness in this respect—that the great object being the reduction of the price of transportation for heavy and bulky articles of comparatively little intrinsic value, but carried from remote parts of the State, no regulation should be made which may in the least create a tax upon this trade, by increasing the price of transportation upon the rail road. It behoves the Legislature to bear in mind, that the lumber, the coal, the iron, the grain, the flour, the whiskey, the salt, &c. &c. of the west, are articles of comparatively low price, many of which now struggle with difficulty in the port of Philadelphia, against the importations from eastern or transatlantic ports—and that any regulation tending to check or to impede transportation, or to raise the price of freights, is a direct tax upon the trade, upon the industry, whether agricultural, commercial or manufacturing, of Pennsylvania, injuring our means of competition with foreign industry, both at home and abroad. It is a bounty given to the foreigner, without any equivalent to ourselves. Let us, therefore, in the system of management of our road, discard every prejudice, whether resulting from pre-conceived ideas, or from local interests, and view the question in its broadest light, as one affecting the whole industry of Pennsylvania.

The great objects of transportation are, economy, rapidity, and certainty; and to these three items, all others should be made to yield.

Applying these principles, we shall next inquire—

1. What kind of power should be used on the road?
2. Whether it should be a high road or not?
3. By whom the motive power should be owned?
4. By whom the cars should be owned?

After which, we shall be able to arrive at safe con-

clusions, as to the provisions of a law to regulate transportation on our roads.

The first question is, as to the power? Two kinds may be used, animal or mechanical—horse or steam power. If we examine the profile of the Columbia rail road, we will find its grade constantly varying; part of it ascending and another part descending; varying through every grade, from a dead level to an inclination of forty-five feet per mile. This naturally leads us to the conclusion, that the power must be such that it should pass with equal facility (though with varying rapidity) through all the changes of grade, of an ascent of forty-five feet per mile, or a descent of the same steepness—and it is evident that no horse power can effect this. He cannot drag up hill the same weight that he can draw down hill, unless the load be much less than a maximum, in which case there is great loss of power, and great additional expense. It has been suggested that the power might be increased, by having spare horses stationed along the line, at such points as would present additional resistance—but this is inapplicable in a road presenting so many and such varieties of grade as the Columbia rail road.

Again—It is well known that scarcely can two horses be found possessed of the same speed; all the horses must be made, however, to travel at an uniform rate upon a rail road, and as the load cannot be shifted according to the ever varying strength of each, it follows that the average will occasion great injury to the weaker horses, while the stronger ones will not work at their maximum of strength, which of course produces an additional expenditure.

This evil is more sensibly felt in proportion to the increased length of the road; as the engine (while supplied with fuel and water, and well oiled,) continues to work for any reasonable time without injury or impairment of its effect, while the power of the horse is constantly impaired by the fatigue of his muscles, until at last it becomes necessary to relieve him, which occasions much loss of time. In point of speed, likewise, great advantages are derived from the use of locomotives, since their rate of travelling on such a line as the Columbia road, with the heaviest loads, need not be under ten miles an hour, while a horse should not, when loaded, travel faster than two and a half miles, to produce his maximum of effect.

Reasoning from analogy and theory, we conclude that horse power should not be used where locomotive engines can work with safety. Experience confirms this position.

There is scarcely a rail road of any extent, admitting the use of steam power, in which it is not chiefly or wholly used. In England, the Liverpool and Manchester, the Stockton and Darlington rail road, and others, the St. Etienne and Lyons road in France. In the United States, we have as instances, the Baltimore and Ohio, the Baltimore and Susquehanna in Maryland, the Petersburg and Roanoke in Virginia, the Charleston and Hamburg in South Carolina, the New Castle and Frenchtown in Delaware, the Camden and Amboy in New Jersey, the Hudson and Mohawk, and the Schenectady and Saratoga rail roads in New York, and in our own State the Philadelphia, Germantown and Norristown rail road, and the Little Schuylkill rail road, on almost all of which horse power was at first used, and on which it has since been in part or wholly replaced by locomotive engines, with great advantage. It is understood that on all these roads, engines will be used exclusively in preference to horses, as soon as the necessary arrangements can be made to dispense with the latter.

Upon this point the committee are also permitted to refer more at large to the experience obtained on a road in this Commonwealth, upon which a large trade was carried last summer, and experiments carefully made, with a view to ascertain the comparative expense of transportation by engines and horse power, and in which there was a decided advantage in favour of the

former, even after making large allowances for the expense of repair to the road and of deterioration to the engines. Although the committee would not feel themselves at liberty to exhibit in a report of this kind, facts which were communicated to them for their own information, in relation to the operations of a private company, they are enabled to state, that after making all reasonable allowances, the expense by horse power is at least one-third greater than that by engines, and that after the improvements suggested by experience shall be introduced, the economy will probably be much greater. The road does not suffer materially from the use of the engines, and the transportation is more regular, systematic, and under control.

The opinions of experienced men have been obtained upon this point, and while it would be easy to adduce the authority of many persons, they will be satisfied with referring the House to the letter of Moncure Robinson, Esq.,* addressed to a committee of this House, last year, and which is attached to this report, and to the opinion of the canal commissioners, as expressed in a special report lately made to the Senate.

The single item of economy in the making and keeping in repair of the horse path, is an object worthy of attention. The making of the horse path on sixty miles of double track, is estimated by the canal commissioners at eighty-five thousand dollars; and the annual expense of repair of horse path, is estimated by Mr. Gray, at three hundred dollars per mile per annum, or a yearly expenditure of upwards of twenty five thousand dollars, which will be rendered entirely unnecessary by the use of steam power.

Nor is there any reason to apprehend that the curves on the Columbia rail road will interfere with the security of engines, as the curves between the two planes are larger than those on other roads upon which such engines are successfully used.

The next inquiry is, whether they should be considered as high roads or not? The committee come to the conclusion, that the high way principle is entirely inapplicable on a road upon which a large trade is intended to pass, and that the exclusive use of locomotive engines makes it inexpedient as well as improper to open it as a high road. Upon this point the committee are aware that an impression has existed with many, that the high way principle is the old and established system, and that the attempt to restrict it, is an innovation. This is entirely an erroneous impression. If rail-roads were in every respect analogous to turnpike roads or canals, the opinion might be correct; but differing as they do entirely in their construction and use, the position is untenable. We are, on the contrary, justified in asserting, that no rail road of any great length, or of great travel, has ever been considered as a high way. In England, all the rail-roads in use, except the Surry and Croydell, are used exclusively by the companies that own them. It has not been in our power to procure the charters of many of the rail road companies of this State, but we can cite many in which the exclusive principle is distinctly admitted; and these will be found to include most if not all those which are now extensively used: such for instance as the Baltimore and Ohio, and the Baltimore and Susquehanna rail roads, the New Castle and Frenchtown, the Petersburg, the Chesterfield, the Charleston and Hamburg, the Mohawk and Hudson, the Saratoga and Schenectady, &c. &c. Moreover, the same principle is distinctly recognized in the Mad River and Lake Erie rail road company's charter, and in several others before us. We are therefore warranted in the assertion, that the legislation, not only in Great Britain, but also in New York, Ohio, Delaware, Maryland, Virginia, and South Carolina, distinctly recognize the impossibility of admitting the high way principle. The committee refer the House to the previously published opinions of the canal commissioners, of Mr. Gay, &c.,

* See Reg. Vol. xi. page 232.

and would chiefly invite the attention of the House to Mr. Robinson's opinion. In practice there is no road of any length, which has been found to answer on the high way principle. The best instance is unquestionably the Minehill and Schuylkill Haven rail road, whose length however is only ten and a half miles; and which being used only for a descending coal trade, horse power offers no analogy with a great State improvement like the Pennsylvania rail roads. In England we know of but one road that is a high way—it is the Sorry and Croydell, which is a train road, (not a rail road,) and which has never been either productive or valuable.

On the high way principle, it would be impossible to secure a constant, expeditious and cheap transportation for all goods coming to Columbia. Transporting companies might probably be formed, who would attempt to carry the whole produce from Pittsburg to Philadelphia, and whose object and interest it would be to drive off all competition. The great out-lay of money required to keep up a constant line of engines and cars on the road, would soon throw the business into very few hands, over whom there would be neither check nor control. All the evils of a monopoly would exist, without any of its advantages; while all the evils of competition might still continue—an occasional understanding between companies would produce great fluctuations in the prices of freight and transportation, coming on suddenly and taking the distant merchant unawares. This is not a gratuitous supposition—we have seen these fluctuations upon every high way in the United States. The accidents which occasionally occur on our turnpike roads, by the racing of stage coaches, would recur with the more frequency on our rail roads, on account of the greater dangers resulting from carelessness or inattention. The strictest police could not guard against them; as it would be impossible to determine, with precision the causes of accidents and the persons through whose agency they had occurred. Instances might be mentioned, from the personal experience of your committee, in which trains of cars travelling in the same direction, on the same road, and belonging to the same owners, have, by the inattention of their drivers, been suddenly brought into contact, occasioning loss of property, and death to horses, or damage to engines. Such cases are more likely to occur where the property would be owned by different individuals.

An attempt at a strict police, on a highway, would be in truth ineffectual; but it would be attended with a great deal of petty litigation, of heart-burning, of real or alleged injustice or oppression.

By placing the business under one management, the utmost economy could be obtained; and of course the trade of Pennsylvania would be benefited, and the travel on the road greatly increased.

Having come to the conclusion that the use of horses ought not to be permitted, and that the highway principle is inadmissible, the committee proceed to inquire, in the third place, by whom should the motive power be owned? Two plans have been offered, both deserving of great consideration. The one to place it in the hands of the agents of the State; the other, to farm it out to contractors. At the first blush, it would seem that the former were the more desirable. It strikes the attention, as the fairer and more efficient mode, that which keeps the control of the road most in the power of the State. If there must be a monopoly, all would be disposed to yield it rather to the State than to an individual. But the advantages are rather apparent than real—the plan is more plausible than substantially good. On the continent of Europe, all agencies of an analogous character are in the hands of government; in Great Britain, they have with more propriety been placed in those of a contractor; and in this country we have, in cases nearly parallel, found great advantage in farming out such undertakings. No better instance can be found, than in the post-office department. It was at one time thought, and we believe attempted, to have the mail

transported entirely by the United States. It was soon found, however, that all the advantages resulting therefrom, would more readily attend short contracts, say for four years.—There is more economy. Individuals working on their own account, under a strict supervision, are obliged to pay more attention to it than could be obtained from salaried officers. The difficulty of the selection of proper officers, the dangers from an increase of patronage, the want of a balancing or checking power to prevent injustice, are among a few of the evils incident to the conferring this duty upon salaried officers. For such men, there would be no motive (exclusive of a sense of duty) to produce an increase of travel on the road; since the more frequently it was used, the greater would be their duties, without any additional compensation.

With a contractor, the case would be different. To him the increased travel or transportation would be a source of increased gain. It would be his duty to procure assistance on the best terms, and of the best kind. His own interest would soon satisfy him that no imperfect cars or engines, no new and untried inventions, green from the brain of the inventor, could be advantageously applied on such a road. In the hands of such a contractor, it would become a matter of business, not of experiment. Closely superintended in the execution of his contract, by a proper officer appointed by the canal commissioners, under the sanction of the Governor, there would be every desirable security for the proper use of the road. The State engineer would act as an umpire between the public and the contractor, and his decision might be with or without appeal. In order to make this plan unexceptionable, it merely requires that the duties of the contractor should be carefully pointed out to him, and that the execution of the contract should be strictly enforced. The amount to be charged per ton per mile, for all kinds of goods, being specified in the contract, and he being bound to carry it for all on the same terms, a maximum price of transportation might be obtained, advantageous to the whole State. Having the exclusive use of the road, it would be made his duty to keep a register, in which all goods should be entered, in the order in which they were presented for transportation; and he should be bound to transport them in the same order, and within a certain time fixed in the contract; which would insure impartially and celerity to the transportation of goods. Any neglect or omission would be reported to the engineer, whose duty it would be to see justice done, and the contract duly executed, or the penalties thereof enforced.

There is in such a contract, offered to the highest bidder and open to all applicants, no injustice or hardship to the community at large. It is consulting the public good, to establish such regulations as will make the road most useful. Such a contract would be analogous to a mail contract, of which no one complains as an arbitrary measure of Government. There is as yet no common law in relation to the use of rail roads—there can be no rights acquired at common law to provide for. The State has made a rail road at an immense expense, and has a right to say in what manner it shall be used.

4. The next question is, by whom the cars should be owned? It has been recommended, and from respectable sources, that while the motive power could not be in the hands of every one, the cars might be owned by individuals. This the committee regret to dissent from. Nothing could be more unjust, than to throw either upon the Commonwealth or upon individuals, the expense of dragging cars which were not made of the best materials or in the best manner. Any one acquainted with rail roads and cars, must know that the power required to draw one car, sometimes is two or three times as great as that required for a car of apparently similar construction, and coming out of the same shop. If the cars belong to the owner of the motive power, it will be his in-

terest to find out and correct the deficiency of the hard running car—but if they belong to individuals, no such interest exists; and provided the inspection on the road can be passed, each will be anxious to make cars after his own peculiar notions of economy or fitness. The inspection of a car, when finished, is not an easy thing—nor can it be a satisfactory one, unless it be taken to pieces. It must be an inspection of parts; an inspection of materials before they are used; an inspection of workmanship as it proceeds in the shop, which can alone insure a good running car. If the owner of the motive power also own the cars, he may have his own shops, his own foreman, and insure a proper construction of cars.

Again, nothing is more injurious to a road than a badly running car. It may press against the curves—it may injure the rails, &c. If the cars belong to the owner of the motive power, the inspection and control of the state engineer becomes easier and more effective; but if his attention be divided by numberless petty workshops along the road, his superintendence must of course be less efficient. Again, suppose an accident occurs in the breaking of an axle or wheel, on the road, while travelling at great rapidity with steam power, on whom is the loss to fall? It may have resulted from the wilful use of inferior, but cheaper materials, which the sordid economy or ignorance of the maker of a car, may have told him was "strong enough" for the purpose, while no other person would have thought of using it. Such accidents may occur—much property may be injured—lives may be lost—the road materially impaired—while the unconscious individual was merely trying an experiment as to the sufficiency of some iron in his shop.

If the cars belong to the owners of the motive power, there is a remedy. Let him be made by his contract, the insurer for the safe delivery of all goods entrusted to his care—the insurer against all risks whatever, whether from accidents of the engines, from combustion of goods, from damages by breaking of cars, from robberies or neglect on the road. It will be his interest then to avoid such accidents.

Such are the general principles which, in the opinion of the committee, should guide in making a contract of this kind. The duration of the contract is a matter of doubt; they have fixed it at the shortest possible period, say three years, with a clause, that if at the expiration of that time a new contractor should outbid the former, or if the State should refuse to continue to let the road out, then the new contractor or the State should be bound to take the property in the possession of the contractor, such as engines, cars &c., at a fair valuation or appraisement, if he should so require it. Such terms are in all mail contracts, and present no novelty.

Were the road finished and of established character, and could we hope to get at once good proposals for it, the committee would cheerfully have extended the lease; but as the first term must necessarily be an experimental one, it has been thought best to make it as short as possible, consistent with obtaining any bids. The committee doubt not that there is already forming, in this country, a class of men experienced in the use of rail roads, who, backed by some friends, will become regular bidders for such contracts hereafter, in the same manner that a class of experienced and respectable mail contractors has been formed in every part of the country. While we admit the propriety of having almost all public works done by contract, as being the cheapest, most efficient, and most satisfactory manner; the committee do not see why the use of rail roads alone, should be exempted from this system.

The bill which they herewith report, differs but little from that reported by a select committee, and which passed this House last year, but was lost in the Senate, from the lateness of the season.

It makes it the duty of the Governor to advertise for proposals, and should he receive satisfactory ones, to execute a contract for the use of the road, with the highest and best bidder—the terms of the contract to be previously prepared by an experienced engineer, to be appointed by the canal commissioners, and to be thrown into proper legal form by the Attorney General; the whole being revised and approved of by the Governor. Should the Governor, however, receive no satisfactory bids, (of which he is left the sole judge,) then he to appoint one or more agents of transportation, whose duty it will be to provide the necessary engines, cars, &c. and attend to the transportation, on such terms as the canal commissioners, under the direction of the Governor, shall fix and determine.

In the meanwhile, the bill authorizes the canal commissioners to consult some experienced rail-road engineer, as to the location of water stations, warehouses, &c., and under his direction to cause the same to be erected; and also authorizes them to purchase or contract at once for the manufacture of six locomotive engines, to be completed as soon as possible, and which, when completed, they are to transfer to the contractor at cost, should any contract be made.

The committee were aware of all the difficulties with which the subject is beset, and they have endeavoured to steer clear of the most formidable ones. They have trusted to experience, wherever its results could be obtained. They have consulted the most eminent engineers in the country, and they now submit the whole subject to the attention of the Legislature, conscious that as no perfect scheme can be devised at first, it is best to adopt, in the outset, such a plan as, in its future modifications, will involve least sacrifice of private property, and fewer claims for remuneration for damages to the same.

REPORT ON THE COAL TRADE.

(Continued from page 218.)

APPENDIX.

In Senate, March 12, 1833.

A motion was made by Mr. Packer and Mr. Krebs, and read as follows:

Whereas numerous applications have recently been made to the Legislature, for the incorporation of companies for the mining and transportation of coal. And whereas this valuable mineral may now be regarded as the staple product of the state; and while every necessary legislative encouragement should be given to foster and protect an interest so closely identified with the prosperity and the wealth of the state, individual interests should be guarded with peculiar care, and their enterprise and industry encouraged: Therefore, to the end that this important interest, its history and operations, yet in their infancy, be more fully understood, be it

Resolved, That a committee be appointed to investigate the present state of the coal trade within this Commonwealth, and the history of the mining operations generally, with a view to ascertain the effect of incorporated companies, (with mining and trading privileges,) on the progress of the business, and the improvement and prosperity of the country; and to inquire what further legislative provisions are necessary to protect, facilitate and encourage this branch of industry, and make report to the Senate at the next Session of the Legislature.

Which was adopted, and March 19, 1833, ordered, that Messrs. Packer, Krebs, Hopkins, Snuyser, and Rogers, be said committee.

No. 1.

Queries submitted to the Coal dealers of Schuylkill county by the committee appointed by the Senate of Pennsylvania, to investigate the state of the Coal Trade, &c. &c.

1. How long have you been engaged in the Coal trade, and do you operate under a charter, or in your private capacity? State generally the extent of your operations, with such particulars as you may deem pertinent to the inquiry before the committee.

2. State as nearly as you can recollect, the number of principal and lateral rail roads in the Schuylkill Coal region—the extent of miles—what portion of them was made by incorporated companies, having mining privileges—what portion by individuals—what portion by companies not having mining privileges—when made and their respective cost?

3. Have the mines now opened, and the rail roads and other improvements now completed in the region been worked and occupied during the present season, to the extent of their capacity? If not, what amount of coal in your opinion, are they capable of sending to market yearly.

4. From your knowledge and experience in the coal business, do you consider the incorporation of companies necessary to its successful prosecution?

5. How are individual coal dealers affected by the acts and operations of incorporated coal companies; and what effect, if any, has been produced by the extension of time and charters granted to certain companies by the last Legislature?

6. What do you consider to be the effect of incorporated companies upon the general prosperity of the country; and wherein does a population or community, growing up under such companies, differ from that created by individual operators in the Coal business?

7. In the present state of improvements in the Coal region, what amount of capital is requisite to a proper and successful prosecution of the Coal business?

8. Can the mining and transportation of coal be carried on as economically by individuals as by incorporated companies?

9. Do you consider the means of individual Coal dealers in the region, competent to supply the market?

10. Is not the consumption of Coal increased by having a constant supply in market; and what has been the average rate of increase from the opening of the Coal trade to the present time?

11. What amount of capital do you suppose has been invested by individuals in the Coal business and improvements connected therewith?

12. What is the number of boats now used in the Coal trade on the Schuylkill Navigation, by individuals and companies respectively; and what quantity of Coal are they capable of sending to market yearly?

13. What number of Colliery establishments is now worked by individuals in the Coal region, and how many by incorporated companies?

No. 2.

Answers by the Lehigh Coal and Navigation Company, to the questions proposed by the Committee of the Senate of Pennsylvania.

PHILADELPHIA, November 20, 1833.

Answer to Questions 1, 2, 3.

The Lehigh Coal and Navigation Company originated under 'an act to improve the navigation of the river Lehigh,' granted to Josiah White, Geo. F. A. Hauto, and Erskine Hazard, on 20th March, 1818. They were incorporated 13th February, 1822, and the rights and privileges conferred by the above mentioned act were confirmed to them by the charter. They commenced the improvement of the Lehigh in August 1818, and by the close of 1819, completed a descending navigation in the first grand section of that river by a system of ar-

tificial freshets, and also a regularly graded turnpike road, nine miles long from the coal mines to the landing in Mauch Chunk. These improvements were the first of their kind in the United States. The navigation by artificial freshets was continued until superseded by the canal which was completed in July 1829. The descending navigation above mentioned was inspected, and the governor's license to collect tolls upon it, obtained January 17, 1823.

The canal is forty-five feet at bottom, sixty feet at the surface, and five feet depth of water. The locks upon it are one hundred feet long by twenty-two feet wide, calculated for boats of one hundred and fifty tons, and admit the passage of two Delaware canal boats at a time. The whole is constructed in the most substantial manner, and protected by heavy slope walls, wherever it is exposed to the action of the river. This navigation is forty-six and three-fourth miles long, and overcomes a fall in that distance of three hundred and sixty feet, having forty-seven lift locks, two of which also act as guard locks, six guard locks and eight dams across the Lehigh. There is sufficient water at the lowest time to fill the locks every five minutes. It was inspected, and the Governor's license to take toll on it obtained, July 8, 1829.

The company have two rail roads. The first was constructed from Mauch Chunk to the great coal mines, seven miles of it on the graded turnpike above mentioned. The remaining two miles were graded, (in the winter of 1829) all the materials procured, and the whole superstructure of the road finished in five months, and in the balance of that year, twenty-five thousand one hundred and ten tons of coal were brought down it, to Mauch Chunk. This was the first rail road exceeding three miles in length, in the United States. Its length, together with that of its branches, now exceeds sixteen and a half miles, single track. The cost of this road was sixty thousand dollars, in addition to the cost of the old turnpike. It has one self acting inclined plane at the river, about seven hundred and fifty feet long, and two hundred and fifteen feet descent.

The other rail road extends from Mauch Chunk to the mines lately discovered on Room run, and was completed the present season. Its length, including its branches, about eight and three-fifths miles of single track. It has three self-acting planes, the intervening road being graded from ten to twelve inches in the hundred feet. The cost was one hundred and twenty-three thousand dollars.

At the old mines, the coal appears to be on an average, sixty feet thick, and to follow very nearly the surface of the ground where found. It is overlaid in some parts with stone, in others with decomposed coal and a stratum of yellow soil. The covering where it has been worked, varies from ten to twenty feet. Small veins of slate appear in some parts of the coal but run out in others. This mine is worked by uncovering and quarrying. The excavation now amounts to ten acres. The coal has been traced from this opening to the Little Schuylkill, a distance of four miles in one direction, and to the Lehigh, eight miles, in the opposite direction.

At Room run, fifteen veins of coal have been opened which appear to be of the following dimensions, viz: One of seven feet thick, one of twenty-eight feet, one of five feet, two of six feet, one of nineteen feet, one of thirty-nine feet, two of eight feet, three of fifteen feet, one of fifty feet, one of twelve feet, and one of nine feet, making the total thickness of the veins two hundred and forty-two feet. These veins are all cut across by the Room run stream, along which the rail-road is carried, with branches into each vein on both sides of the main road. Three of the veins will be worked by uncovering, the others by mining. Their dip varies from nearly perpendicular to twenty degrees.

About one hundred thousand tons of coal will be taken this year from the old mines. The addition of a second inclined plane and chute at the landing, with

an increased quantity of double track for passing places, would make the present rail road adequate to the passage of two hundred thousand tons per annum, which those mines would readily supply from the *present* openings. An equal quantity may be obtained, in a short time for preparation, from the *Room run* openings. Should the market require more from the company than four hundred thousand tons per annum, the addition of a second track to the rail way to the old mines, and a tunnel of five hundred to eight hundred feet in length, to give additional openings to the veins, would give the means of supplying it.

The following statement shows the quantity of anthracite coal sent to market from the Lehigh, and also the quantity shipped coastwise:

Years.	Tons.	Tons shipped.
1820	365	00
1821	1,073	15
1822	2,240	181
1823	5,823	1,123
1824	9,541	3,958
1825	28,393	14,378
1826	31,280	15,817
1827	32,074	18,323
1828	30,232	22,876
1829	25,110	10,934
1830	41,750	20,391
1831	49,966	14,094
1832	75,000	33,732
1833	123,000	44,168
Total,	446,847	200,010

Answer to questions 4 and 5.

In answer to these questions, we would state, that, on the Lehigh, the coal business requires a large capital to carry it on advantageously and extensively; and it was found impracticable to concentrate a sufficient amount, without the protection of an act of incorporation. The mines at Summit hill, being distant from the navigation, required an extensive rail road to connect them: and the different veins of coal being here collected into one mass, it would be impracticable to separate the work into a number of small concerns, as the hands of the respective operators would, in that case, be in contact with each other, and consequently in constant warfare. The rail road, also, having but a single track, and necessarily requiring the operations to be carried on with regularity proportioned to their extent, would be a source of constant collision. There are consequently no individual operators on the Lehigh.

Answer to question 6.

The general improvement of the surrounding country in value and population—the formation of a home market for all the produce of the country, for a circuit of many miles—with the annual distribution among the people for labor and provisions, of an amount of money equal to the cost of raising and transporting the coal, none of which is to be paid back to the company, sufficiently explains the effect upon the general prosperity of the country, arising from the incorporation of the Lehigh Coal and Navigation company. It is not so easy to point out the difference between a community growing up under such a corporation, and that created by individual operators; though in some few particulars there certainly is a difference. The contractors in the several departments of a company's business, would represent individual operators, where they were not at the same time owners of the land, with the exception that the *contractor* is sure of his market, while the *operator* is not. The labourers employed by both, would be under similar circumstances, as would also be the several tradesmen, and persons of different occupations, necessary to furnish supplies and otherwise administer to the comforts or wants of the labouring part of each community. The principal difference, perhaps, consists in

the circumstance that every individual of the community created by a company, can be interested, to the amount of his wishes and means, in the whole business of the company, by purchasing shares of the stock, while the *operators alone*, under the individual system, have any interest in the works. In this way many of the workmen and others, at the mines and at Mauch Chunk, are interested in the stock and loans of the Lehigh company.

Answer to question 7.

The capital necessary to carry on the coal business, profitably, we should estimate to be at least equal to the first cost of a year's work; the coal, during summer, being generally sold on a credit extending to the end of the year, and that for home consumption not being extensively called for before winter.

Answer to question 8.

The business of mining and transporting coal, like most operations requiring labour, is capable of subdivision, and by it, gains in economy—but, to gain an advantage from the subdivision of labor, it is necessary to extend the business so far, that each individual shall be fully occupied, without changing his employment.—With this extent of business, an individual would probably be able to economize more than a company, by bringing all the energies of his mind upon it, and giving it such undivided attention as is rarely to be met with from salary officers; but the amount of capital required in such a concern, is generally beyond the fortunes of individuals who would be disposed to give it the necessary attention. It does not follow, however, that money and the requisite talents for business, are always to be met with in the same person, while companies may always select their officers for their peculiar qualifications.

Answer to question 9.

This question is answered by reference to the table of coal sent down from the several districts.

Answer to question 10.

There can be no doubt but that the consumption of coal is greatly and permanently increased by having stocks on hand in the spring. By referring to the table of coal sent down, for the stocks on hand at the commencement of each season, it will be seen that the market has been fully supplied, and to that in a great measure may be attributed the extraordinary increase. In 1825 and 1831, there was, perhaps barely enough for the demand. The large stock of coal on hand in the spring of 1831, caused many individual operators on the Schuylkill to slacken their exertions, so that the supply from that quarter was considerably less than the preceding year. The Lackawanna works were not fully in operation, and the Lehigh company having no use of the Pennsylvania canal along the Delaware, were obliged to content themselves with what coal they could get down in the rough arks, by the channels of the river, which were broken up every trip. Of these arks they annually built as many as would make a continuous line of eleven to twelve miles in length, and the whole length of arks built by them, if added together would exceed seventy-five miles.

Answer to question 11.

We have no idea what sum has been invested by individuals in the coal business.

Answer to question 12.

The Lehigh company have in their employ on the Lehigh and Delaware canals two hundred and forty-five boats, most of which are calculated to carry seventy to seventy-five tons each. Besides these, there are numerous boats, also employed in the coal trade by individuals on the Lehigh, Delaware, and Morris canals. There are in the company's service, two hundred and ninety-two horses, two hundred and seven mules and twenty-two oxen; also five hundred and sixty-eight rail road

wagons. Two steam tow-boats of twenty-six and forty-five horse power are owned by the company, and are kept plying between the mouth of the Delaware canal and Philadelphia.

Answer to question 13.

The answer to this question is included in the preceding.

Answer to question 14.

The number of persons employed in all the departments of the company's business, is one thousand four hundred and sixty-four. With respect to the amount of population depending upon the company's operations, immediately, for subsistence, it is impossible to come at exactness. It would probably not come up to the number, to allow each hand employed, to be equal to a family of six persons. There are of course many single men among them, but the different tradesmen, agriculturists, merchants, &c. and their families, who are supported by the establishment, would more than compensate for this circumstance. This computation would give eight thousand, seven hundred and seventy-eight souls.

Answer to question 15.

Were the coal business confined to individuals exclusively, it would necessarily fall into the hands of large capitalists, as in England. The hands employed in the works, are mostly dependent on their daily wages for support, and must receive their wages when earned, and be regularly employed, or be starved out of the business. Thus the whole expenses on the coal must be paid in cash, and require large capitals, as mentioned in the answer to question seven.

Answer to question 16.

The number of vessels loaded with coal by the Lehigh company, at their landings in Philadelphia, and at the State pier at Bristol, (the mouth of the Delaware canal,) from the 20th March to 19th November, 1833, was—two ships, forty-two brigs, two hundred and three schooners, one hundred and thirty-six sloops.—Total 383.

The capital stock of the Lehigh coal and navigation company, consisting of twenty thousand shares of fifty dollars each, say one million of dollars, is held as follows, viz:

There are 109 holders of from 1 share to 20 shares each.

27	"	21	"	40
26	"	41	"	60
31	"	61	"	100
46	"	more than 100 shares each.		

Total, 239 stockholders.

There are included in the above list of stockholders, seventy-three single holders, women, widows and children, being *nearly one-third* of the whole number.

The permanent loan of the company, amounting to upwards of one million five hundred thousand dollars, bearing interest payable quarterly, is held as follows, viz:

31	holders have sums exceeding \$10,000 each
27	" " " over 5,000 and up to 10,000
12	" " " 4,000 " 5,000
27	" " " 3,000 " 4,000
37	" " " 2,000 " 3,000
50	" " " 1,000 " 2,000
53	" " " 500 " 1,000
62	" " " sums of from \$100 to \$500 each.

299 Total—loanholders.

In the above list of loanholders, there are one hundred and twelve single women, widows and children, and eight charitable societies and churches, being *more than one-third* of the whole number of holders.

Total number of stockholders and loanholders, five hundred and thirty-eight; of which, one hundred and ninety-three, or more than one-third, are single women, widows and children, charitable societies and churches.

With a few unimportant exceptions, the whole of the capital stock and loan of the company is the property of citizens of Pennsylvania.

No. 3.

Answers of Samuel Lewis, to the queries submitted to the coal dealers of Schuylkill county, by the committee of the Senate of Pennsylvania:

1. I have been engaged about three years and a half in the coal business, and operate in my individual capacity. My operations have extended from two to four thousand five hundred tons per annum; principally sold on the landings at Schuylkill Haven. Coal is sold partly here, sometimes deliverable in Philadelphia—and considerable quantities are sent down unsold, consigned to agents or partners of operators here.

2. There are four rail roads in this region, made by companies not having mining privileges. Their aggregate length is about thirty-eight miles, and cost three hundred and fifty-five thousand dollars. Connected with these, there is about twenty-nine and three-fourths miles of lateral rail road, made by individuals, at a cost of about sixty-four thousand six hundred dollars. About one mile of lateral road has been made by companies having mining privileges. All these, I believe, have been made since the year 1827.

3. Ten times the coal sent to market from the region this season, would not have fully occupied the rail roads now constructed in it. The mines now opened in the region, could produce at least double the quantity now sent. But few of them have been worked to their full capacity, and many of them were entirely idle. I should say it was rating the capacity of the region very low, to state it as capable of producing, annually, five times the present quantity.

4. From my knowledge of the coal business, I do not consider the incorporation of companies necessary to carry it on, any more than for raising grain, making flour or iron, or for mercantile business. The mining part of the business is constantly liable to derangement and interruptions, which no human power could either foresee or prevent, as well as from the faithlessness or carelessness of workmen. What are called faults in veins of coal—that is, soft places that do not yield a merchantable article—are of frequent occurrence; and the continuity of veins is frequently broken by the protrusion of rocks. It requires frequently considerable skill and well-directed effort, to strike the vein again. Mines are also liable to be injured, or even ruined, by ignorant, careless or unprincipled workmen, and in such a way that the evil is difficult to discover, unless by the daily inspection of those well-skilled in the practical part of the business, until too late to be remedied. This branch of the business, requires the closest personal attention of those immediately interested in its successful issue, to carry it on to advantage. Can it then be supposed, for a moment, that a distant board of managers, entirely ignorant of the business, can manage it as well as he who is on the spot, with the best opportunities of practical information, and whose fortune is probably at stake on the successful issue of the undertaking? And as for the mercantile part of the business, the experience of all nations where companies have been tried, has pronounced them totally unfit to carry it on with profit to themselves, without an exclusive monopoly; and never with advantage to the public.

5. To answer this question fully, and consider the subject in all its bearings, would make this communication of great length. I will, therefore, only remark, that it has frequently been observed that a large capital, embarked in any business, generally induces its possessor to grasp at and endeavor to monopolize the whole or greater part of such business, particularly when the capitals of others engaged in the same business are small. To this may be added, in the case of joint stock companies, the attention that must be paid to keeping up the price of their stock. There is no way more like-

ly to affect both these objects, than to make a great display of the powers and resources of the company, and of their ability to supply any amount of coal the market may demand. Hence, there is an annual publication of reports, circulars, &c. stating the amount of coal the companies design to send to market that season: the amount is generally so large, that if actually sent, would be much greater than the demand the previous season. And however much the quantity actually sent, may fall short of that announced at the commencement of the season, it generally is occasioned more by a deficiency of ability to fulfil their promises, than by any desire to shape their business to the state of the market. In a new business, like the coal business, where the demand and the capacity to supply it, are more matters of conjecture than actual knowledge, such statements, coming from companies known or professing to wield immense capitals, and whose known interest it is to drive all competitors out of the market, will naturally deter prudent men from embarking largely in the business, until the abilities of the companies to fulfil their promises, shall have been more nearly ascertained. The consequence is, that they put off their purchases until late in the season—then there is a rush for coal—the price of freight, labor and every thing connected with getting it to market, runs up ruinously high—consumers are obliged to pay high for their coal, and no one is benefited; as the advance in price scarcely compensates any concerned for the time they have been previously half employed. By these means, the market is kept in an uncertain, fluctuating state, sometimes ruinously depressed, at others highly excited—injurious alike to the miner, the dealer, and the consumer, as well as detrimental to the public prosperity, by retarding the introduction of this superior fuel into general use. All that individual operators want in this, as in other kinds of business, is the free use of the market, untrammelled by the incubus of joint stock companies. They are perfectly satisfied that the business will soon regulate itself; that if it is found more profitable than other kinds, capital will soon flow into it and reduce the profits to an equality with others, in spite of any efforts they can make to the contrary. And the public may rest assured, if this were the case, that the article would be furnished as low as capital and ingenuity could do it. Not so with companies.—It is evidently their interest that there should be as few competitors in the market as possible; and as they have never been known to be over scrupulous about the means employed to attain their ends, every weapon that can be wielded by a powerful monied aristocracy, will be used to attain their object. Let them once have possession of the market, and the districts from which it is supplied, and the public, will most assuredly have to pay them for all their blunders and failures, past, present, and to come; as well as a good round sum in the shape of profits on their investments.

6. The influence of incorporated companies with mining and trading privileges, is more inimical than beneficial to the general prosperity of a country. Their affairs are generally managed by a distant board of directors, many of whom are ignorant of the wants and capabilities of the country they operate in. In this region they have contributed next to nothing to our improvements. No institutions, literary, moral or religious, have been originated or mainly supported by any of the companies, yet every dollar that can be drawn from us is taken with avidity. If companies are to have the control of large masses of ignorant men, without any provision for their education, they can readily be used to control the freedom of elections, and to consolidate their own power.

7. The coal business, like many other kinds of business, admits of a small or large capital being used. Small concerns have been carried on with a capital of less than two thousand dollars, exclusive of the price of the land. And from twenty thousand dollars to thirty thou-

sand dollars have been invested in some establishments. When coal is sold at the mines or on the landings in the coal region, as is frequently done, three or four thousand dollars will be sufficient to do a large amount of business. If the operator here sends his coal to a distant market, a larger capital will of course be necessary.

8. I know of no reason why individuals cannot mine and transport coal as cheap as incorporated companies, unless it can be shown that all kinds of business can be done more economically by companies than by individuals.

9. I consider the means of individuals as fully competent to supply all and more than all the coal that will be required from this region. Other districts must be expected to furnish a part of the general supply. And as capital is abundant in the country, it will no doubt flow into this business as fast as required, particularly if capitalists are once satisfied that the legislature will not interfere with their investments.

10. There can be no doubt but that the consumption of coal is increased by having a constant supply in market; but surely individuals are as competent to do this as to keep a supply of flour, sugar, cotton, or any other kind of merchandise. Less capital than would be required to fit out a single tea ship, is amply sufficient for the largest coal dealer in the United States. And individuals being actually engaged in the business, are more likely to be competent judges of the quantity the market will require, than the managers of a company, who are either engaged in other kinds of business, or in no business at all. The average increase of coal sent to market since 1820, is 37,577 tons per annum, and for the last nine years, is 53,147 tons per annum. And the average rate per cent. for the former period is 86 per cent. per annum; and for the latter, 65.8 per cent. per annum. For particulars see table annexed.

11. It has been ascertained from minute inquiry, that individuals have expended in this region for lateral roads, wagons, boats, opening collieries, and for fixtures, tools, &c., at least \$568,500, and that they must have invested as working capital, \$86,000 more. It is estimated that the towns, wharves, &c. built by individuals in the region, have cost more than \$2,000,000, and that they hold 60,000 acres of land, bought and held as coal land, which at \$50 per acre, would be three millions more. The whole investment of individuals may therefore be stated in round numbers, at five millions, six hundred and fifty thousand dollars.

12. It has been ascertained from an examination of the Navigation company's registers, and from information derived from their officers and others, that there are 580 boats on the Schuylkill navigation, used principally for the conveyance of coal. Of these, 512 belong to individuals, 37 to the North American coal company, 26 to the Little Schuylkill company, and 5 to the Delaware coal company. These boats are sufficient, if kept constantly employed, to carry from 450,000 to 500,000 tons of coal annually to market.

13. There are about 86 colliery establishments worked by individuals in the course of the past year. There are several others lying idle—the exact number not ascertained. The North American and Delaware coal companies have five establishments worked at present.

(Signed,)

SAMUEL LEWIS.

Pottsville, Dec. 16, 1833.

I have been engaged in the coal trade eight years, and operated in my individual capacity, and fully concur in the foregoing statement by S. Lewis.

BURD PATTERSON.

I have been engaged in the coal trade four years, and operated in my individual capacity, and sent to market from twenty-five hundred tons to three thousand each year, and fully concur in the foregoing statement by S. Lewis.

FREDERICK HASS.

I have been engaged in the coal business six years, and have mined and sent to market from three to four thousand five hundred tons yearly, and am now prepared to mine ten thousand tons yearly, for several years, from my present openings, and do fully concur in the foregoing statement made by Mr. Lewis.

SAMUEL BROOKE.

No. 4.

To the 1st interrogatory I reply: I have been in the coal trade three years and do not operate under a charter but in a private capacity. On the tract which is one hundred and seventy-five acres we have twenty-three different veins, ten of which we have opened, and all from three to fourteen feet thick. Our present operation is confined to the tunnel which you visited, in which we cut four veins, out of which one opening or tunnel I have sent eighteen thousand six hundred tons of coal, and the coming year feel a confidence in saying if the market would warrant it, our ability would be equal to thirty thousand tons of coal.

2d. To this query I cannot reply. My confinement at the works deprives me of the possession of that extent of information which appears requisite.

3d. The mines and conveniences for transportation would have afforded in my opinion 50 per cent. more coal, had the state of the trade induced the operations, and think four hundred thousand tons of coal could have been sent to market this season.

4th. I do not think incorporated companies in any wise necessary to the successful prosecution of the coal business.

5. Individual coal dealers are affected by incorporate companies by their facility of raising money, among the directors, thereby giving them the means of holding on for the rise of market or of sacrificing their coal or part of it to lower the market, and force individual enterprise from the competition.

6th. Incorporated coal companies or indeed any corporate companies, have a tendency to depress individual enterprise, wherever it comes in contact with the extended radiations of their power, the financial arrangements being so readily accomplished by companies as at once to bear down the facilities of individuals, in the scale of comparison, and from the credit of companies, they can negotiate their paper at much longer dates than the most respected individual.

7th. To prosecute our operation of twenty thousand tons of coal, to mine it, transport it nine miles, ship it and transship it to the Atlantic cities, and await the market, will require a capital of fifty thousand dollars.

8th. The mining operations of coal can be carried on much cheaper by individuals than by incorporated bodies, as the whole operation is carried on without an agent, with a fat salary at every turn, and at every point a lavish waste of materials, all of which by individuals is narrowly watched and protected.

9. I consider individual means of supplying the market with coal abundantly sufficient, provided they were not oppressed by Legislative grants to a "chosen few," the power of whom dampens and oppresses individual enterprise.

10th. The consumption of coal, is increased when a constant supply is at market but for that supply the market has not been, neither need it be indebted to "corporate companies."

11. I am unable to answer; *for ourselves* we have expended forty-four thousand dollars for cost and improvements.

12th. I cannot reply for want of information.

13th. I am uninformed.

Very respectfully, your obedient servant,

WM. WAGNER.

Diamond Colliers, Dec. 16, 1833.

N. B.—Over and above the eighteen thousand six hundred tons, mined and shipped, I purchased at

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Schuykill Haven and shipped sixteen hundred and fifty tons—twenty thousand two hundred and fifty tons being the amount mined and shipped.

No. 5.

Answers of F. B. Nichols, to queries submitted to the coal dealers of Schuykill county, by the committee appointed by the Senate of Pennsylvania, to investigate the state of the coal trade, &c. &c.

1. To the first interrogatory, the subscriber answers:—That he has been engaged more or less in the coal trade from its commencement in this region, by the opening of the canal, and always in private capacity, without a charter, or in any manner connected with one; that his present year's operations amounted to near five thousand tons.

2. To the second interrogatory he says—That about 40 miles of rail roads have been made by incorporated companies without mining privileges, and that he supposes nearly the same number of miles of lateral roads made by individuals. When made, precisely, and their respective or aggregate cost, he says he cannot say with assurance.

3. To the third interrogatory he says—That he does not suppose the mines now opened have been worked to one half their capacity. It is impossible for him to form a correct opinion as to the quantity they are capable of supplying, as that would depend entirely on the amount of capital employed.

4. To the fourth interrogatory he says—That from his own observation and experience, he believes incorporated companies detrimental to the general trade, and that they cannot operate with the same economy and advantage that individuals can.

5. To the fifth interrogatory he says—That individual coal dealers are injured in their business, not so much by the amount of fair competition with the companies, as by their boasting and promises in their annual reports to their stockholders and the public, which deters dealers from making contracts early in the season, thereby depriving the individuals of the use of so much capital and employment in the best part of the year, and throws the press of business on the close of the year, when the public have discovered the fallacy of their promises.

6. To the sixth interrogatory he says—That in the abstract he considers incorporations detrimental to the public good; that they commit acts in their corporate capacity, which as individuals they would not dare to do; and that they cannot operate as economically as individuals, from obvious reasons,—numerous agencies, and the general waste and extravagance of *mere agents*. To the second part of this interrogatory he says—that the relative effects of company and individual operations are very evident in the different improvements of the places or districts where either prevails. Witness Pottsville and its neighborhood, and Mauch Chunk or Carbondale.

7. To the seventh interrogatory he says—That the amount of capital for coal operations, like that of any other business, depends entirely on the views of the individuals possessing the means, and cannot be stated with precision—one thousand to fifty thousand dollars. If the coal is to be sold at the pit's mouth, by the miner, a very small cash capital would suffice; but if it is to be carried through all its trains to the consumer, and wait for winter sales, a very large capital is necessary.

8. To the eighth interrogatory he says—That he does not believe companies can operate as advantageously as individuals, for the reasons stated in his reply to the sixth interrogatory.

9. To the ninth interrogatory he answers—That he does not consider the means of the present individual dealers competent to the full supply of the demand; but that were the public assured that companies would not be tolerated by the Legislature, sufficient capital would soon be supplied for any demand of the article.

10. To the tenth interrogatory he answers—Yes—a constant supply of any staple article necessarily increases its consumption; and that he believes the average increase of the consumption of anthracite coal to have been from 30 to 35 per cent. per annum from the commencement of the trade to the present time.

11. To the eleventh he says—It is impossible for him to answer this interrogatory satisfactorily from any personal observation.

12. To the twelfth interrogatory he says—There are about 450 boats employed on the Schuylkill canal, about 70 of which belong to companies, and that boats properly driven might take down seven hundred tons each per annum.

13. To the thirteenth interrogatory he says—That he has not the means of forming an opinion of the number of individual operations in the region; but whatever may be their present number, he does not doubt proper encouragement would increase them greatly.

F. B. NICHOLS.

Pottsville, Dec. 23, 1833.

No. 6.

To the committee appointed by the Senate of Pennsylvania to investigate the state of the Coal Trade, &c.

Gentlemen:—I respectfully submit my answers to your queries.

To the 1st. I have been engaged in the coal trade in England from the year 1810 to 1829 both inclusive, (nineteen years) and in Schuylkill county between three and four years. In the year 1830, I operated in partnership with two others: we rented mines and had two establishments near Pottsville. That year we sent to market twenty-five hundred tons of coal, at an expense of about thirteen thousand seven hundred dollars, including mining, removal from the mines to the canal, freight and toll, and for making a lateral rail road of about two thirds of a mile long, and partially opening two coal veins, an additional expense of five thousand six hundred dollars, making the whole expenditure nineteen thousand three hundred dollars. In March of the following year the coals were disposed of, for ten thousand dollars, and the partnership dissolved. Since that period I have been principally engaged in performing the services of a mining engineer, directing mining operations generally, for individuals as well as companies.

To the 2d.—I am not in possession of the necessary information.

To the 3d.—The mines now opened, the rail roads, and other improvements now completed in the coal region, have not been worked and occupied during the present season, to the extent of their capacity; a part of the last summer I was engaged making a subterranean survey of the Delaware Coal Company's mines, in Schuylkill county, and out of seventeen openings into the different coal veins in their property all of which are prepared and ready for mining, only five of them have been in operation during the present year; nor have these been worked to the extent of their capacity. If a sufficient capital was employed in the coal trade, in that region and a demand to warrant it, a much larger quantity might have been sent to market during the present year.

To the 4th.—From my knowledge and experience in the coal business, I do consider that it requires a very large capital, but whether furnished by individuals or incorporated companies, in my opinion is not important. To the want of capital as well as skill, of the individuals who have been engaged in the coal business, may be attributed the numerous failures, which have, and still continue to take place in this important branch of trade. Individuals engaged in mining in Schuylkill county, with very few exceptions, have not a sufficient capital to carry on the business upon a very extensive scale.

To the 5th.—In my opinion individual coal dealers have not been injuriously affected by the operations of incorporated coal companies. I think a beneficial effect has been produced by the extension of time, and charters granted to the Delaware Coal Company and North American Coal Company by the last Legislature. Companies have been the pioneers to extend the use of this new article of fuel, into general use, as well in families as in steam engines and manufactories generally. The companies mentioned, which had charters granted to them by the last Legislature have not worked many of their mines this year which were prepared for working, consequently less coal has been gotten from them than would probably have been, if they had been in the hands of individuals; they have also I understand kept up the character of the quality of the Schuylkill coals as well as refused to submit to a reduction of their prices, both of which, have aided individuals in effecting sales.

To the 6th.—In that section of country in which the mines are situated, the companies employ more workmen than individuals, in proportion to their relative quantities, in building houses for the miners, and building boats on the premises, they employ much more labor in making preparations for future operations. Generally the workmen employed by companies, have constant work and are provided with comfortable dwellings, consequently they become permanently fixed, and are more domestic in their habits than itinerant workmen, who generally speaking acquire such habits as are not considered compatible with a well regulated society.

To the 7th.—With the exception of uncertain sales, that could be effected at the mines, it is absolutely necessary that there should be a supply in those markets in which the article is consumed, the transportation of coals being a very heavy item of account, the capital necessary for the well-managing and the successful prosecution of the business, owing to the numerous contingencies to which mining is always liable, independent of the first outlay in establishing the works will require a cash capital of at least two dollars per ton, upon the quantity annually sent to market.

To the 8th.—With competent means I am of opinion that mining could be carried on more economically by individuals, than incorporated companies.

To the 9th.—The individuals now engaged in mining are incompetent to supply the market.

To the 10th.—The consumption of coal is greatly increased by constantly having a supply in the market. I do not know the average increase of consumption from the opening of the coal trade up to the present time. From the most accurate estimates that can be made the increase this year will exceed that of the last upwards of two hundred thousand tons.

The 11th, and 12th.—I am not in possession of information on the subject of these queries.

The 13th.—There are large and small Colliery establishments, a single opening made into a vein, may be considered a colliery. If openings are made into a dozen veins it is still only a colliery, if they are owned or worked, by the same proprietor, or proprietors. I believe that two-thirds of the whole quantity of coals gotten in Schuylkill county during the current year, have been mined by individuals.

Gentlemen, your obedient servant,

JAMES WILDE, M. E.

Pottsville, Dec. 10, 1833.

STORM.—On the evening of Thursday, between 8 and 9, a squall unroofed the farm house of Mr. Abraham Fackler, occupied by Mr. J. Eslenhauer, near this town, unroofed and partly overthrew the barn, and unroofed the spring house on the same premises. The inmates of the house represent the above destruction to have been instantaneous.—Harrisburg Chronicle.

GENERAL SYSTEM OF EDUCATION.

An Act to establish a General System of Education, by Common Schools.

Whereas, it is enjoined by the constitution, as a solemn duty, which cannot be neglected without a disregard of the moral and political safety of the people: *And whereas*, the fund for common school purposes, under the act of the second of April one thousand eight hundred and thirty-one, will, on the fourth of April next, amount to the sum of five hundred and forty-six thousand five hundred and sixty-three dollars and seventy-two cents, and will soon reach the sum of two millions of dollars, when it will produce, at five per cent, an increase of one hundred thousand dollars, which, by said act, is to be paid for the support of common schools: *And whereas*, provision should be made by law, for the distribution of the benefits of this fund to the people of the respective counties of the Commonwealth: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the city and county of Philadelphia, and every other county in this Commonwealth, shall each form a school division, and that every ward, township and borough, within the several school divisions, shall each form a school district: *Provided*, That any borough which is or may be connected with a township in the assessment and collection of county rates and levies, shall, with the said township, so long as it remains so connected, form a district; and each of said districts shall contain a competent number of common schools, for the education of every child within the limits thereof, who shall apply, either in person or by his or her parents, guardian or next friend, for admission and instruction.

Section 2. It shall be the duty of the sheriff of each county, thirty days previous to the third Friday in September of the current year, one thousand eight hundred and thirty-four, to give notice, by proclamation, to the citizens of each school district, to hold elections in their respective townships, wards and boroughs, at the places where they hold their elections for supervisors, town councils and constables, to choose six citizens of each school district, to serve as school directors of said districts respectively; which elections shall, on the said day, be conducted and held in the same manner as elections for supervisors and constables are by law held and conducted; and on the day of the next annual election of supervisors in the respective townships, and of constables in the respective cities of the Commonwealth, a new election for directors shall take place in the said townships, boroughs and cities, at which election, and annually thereafter at that time, and in manner and form aforesaid, two directors shall be chosen, who shall serve for three years; the sheriff giving thirty days notice previous to such election.

Section 3. It shall be the duty of the said school directors, within ten days after the period of their election, annually to meet in their respective school districts, when each board shall choose, out of their own body, a president and secretary, and a delegate to the joint delegate meeting provided for in the following section; they shall also appoint a treasurer for the district where no township or borough treasurer shall be otherwise appointed; and it shall be the duty of each board, on the day of their first assembling as aforesaid, to divide themselves into three classes, the first of which shall serve until the next election, the second until the second election, and the third until the third election following, so that one-third of each board may be chosen annually; and if any vacancy shall occur, by death or otherwise, it shall be the duty of the board in which such vacancy may occur, to fill the same until the next election.

Section 4. On the first Tuesday in November, in the year one thousand eight hundred and thirty-four, and

the first Monday in May in each year thereafter, there shall be held, at the county court house in each division, a joint meeting of the county commissioners and one delegate from each board of school directors within said county or school division, in which it shall be decided whether or not a tax for the expenditure of each district be levied; and if a tax be authorized by a majority of the joint meeting, it shall be apportioned among the several districts as county rates and levies are now by law apportioned. Each delegate to the joint meeting, shall be entitled to receive one dollar per day, for each day's attendance spent by him in travelling to and from and attending said meeting, to be paid out of the county treasury.

Section 5. The appropriations made for the common schools, by the joint meeting, shall be considered part of the authorized estimates of county expenditures, and shall be levied and collected in the usual manner; *Provided*, That no tax shall be less in amount than double the funds which may be furnished to said county or school division, as hereinafter directed, out of the treasury of this Commonwealth, in aid of common schools, organized according to the provisions of this act: *And provided further*, That to constitute a joint meeting, at least two of the county commissioners, and a majority of the delegates of the school districts in each division shall be required, except in such cases as are hereinafter provided; if no quorum be present, it shall be lawful for them to hold further meetings until one is obtained.

Section 6. When such delegate meeting is organized, the vote on the question of making appropriation for common schools shall be taken by yeas and nays, a record whereof shall be kept by the county commissioners, and if it shall be determined, by a majority of said meeting, that no such appropriation shall be made for any division or county, then all the districts, whose delegates voted in the negative, shall for that year be entitled to no part of the money appropriated by this act, but the whole amount which such division would have been entitled to, had it determined to make such appropriation for common schools by tax, shall go and be appropriated to such district or districts in said division or county, whose delegates voted in the affirmative, in the ratio of the taxable inhabitants of said district. And the amount of tax levied on such district voting in the affirmative, under the present law for educating the poor gratis, shall be fairly estimated by the commissioners, and paid out of the county treasury to such districts, to be added to their common school fund, to entitle the districts thus voting in the affirmative, to the money appropriated by this act, they shall be required to raise no larger tax than would have been required, had every county in the commonwealth voted, to appropriate for common schools as provided for in this act. In case a majority of the districts in any division or county vote in the negative, then the amount of tax to be raised by those districts voting in the affirmative, shall be fixed by a majority of the votes of the delegates of said districts. If on neither the first or second meeting, a majority of the commissioners and delegates from all the districts of any division shall attend, then those present shall proceed in the same manner as if a majority had attended, and their proceedings shall be as valid. If, in any division, no district shall thus vote to appropriate, then the money to which such division would have been entitled, shall remain in the state treasury, for the use of such division or counties, for the term of two years from the passage of this act; after which time, if such division or counties, or any part thereof, do not vote so to appropriate, then the money to which such division would have been entitled, shall go to, and be divided among such division or counties, as shall thus in whole or in part vote to appropriate: And it shall be the duty of the county commissioners of each county, in each year after such delegate meeting may have been held, to communicate the proceedings thereof to the general superintendent. *Provided*, That in case it shall have

been determined, by any such delegate meeting, that no appropriation for common schools should be made for the current year, the acts of the assembly to provide for the education of the poor gratis now in force, shall continue in force, in such division or county or district, for the current year.

Section 7. Within twenty days after such joint meeting of the delegates as aforesaid, or at such time as such joint meeting shall fix and determine, if said delegate meeting shall have determined to make an appropriation as aforesaid, the people of the several school districts shall assemble in their respective wards or districts, at the usual place of holding ward or township elections, or at such place as may be fixed by such delegate meeting; and it shall be the duty of said delegate meeting, to give due notice of the time and place of holding said meetings of the people in the said school districts. And the people of said district, when so assembled, shall be organized by appointing a chairman, and the secretary of the board of directors of the proper district shall be secretary of the said meeting, and shall record the proceedings of such meeting in the book of minutes of the said board, or in his absence, that duty shall be performed by some other director of the said board. It shall be the duty of the board of directors, to communicate to such meeting, such matters in reference to the common schools of the district, as may be important, which may be considered by such meeting: And it shall be in the power of the said meeting to decide, by a majority of votes, whether they will raise for the current year a sum in addition to that determined on by the delegate meeting aforesaid, to be applied to the common schools of the said district; and if such meeting shall so determine to raise such additional sum, it shall be the duty of the secretary to certify the same to the supervisors of the township, or the town council of the borough, as the case may be, whose duty it shall be to add the same as an increase upon the assessment or tax of the said district, and the same shall be collected as township or borough rates and levies are by law collected.

Section 8. It shall be the duty of the several boards of school directors, to determine the number of schools to be opened in their respective districts; to cause suitable buildings to be erected, purchased or hired, for schools; to appoint capable teachers at liberal salaries; to admit scholars; to have the general superintendence of the schools of their respective districts; to pay the necessary expenses incurred thereby, by orders drawn on the treasurer of the district, signed by the president, and countersigned by the secretary of the respective boards. *Provided*, That no school director shall receive any emolument, whatever, for his services, except when serving as a delegate, according to the provisions of this act; but shall be exempted during the performance of the duties of said office, from military duty, or serving in any other township or borough office.

Section 9. Whenever it may be necessary or convenient to establish a school out of two or more adjoining districts, the school directors from each of such adjoining districts, or a majority of them, may establish and regulate such school; and the expenses thereof shall be divided between said districts, according to the number of scholars each district may send to such school.

Section 10. Whereas, manual labour may be advantageously connected with intellectual and moral instruction, in some or all of the schools, it shall be the duty of the school directors to decide whether such connection in their respective districts shall take place or not; and if decided affirmatively, they shall have power to purchase materials and employ artisans for the instruction of the pupils in the useful branches of the mechanic arts, and, where practicable, in agricultural pursuits: *Provided*, nevertheless; That no such connection shall take place in any common school, unless four out of the six directors of the district shall agree thereto.

Section 11. It shall be the duty of each board of school directors, by two or more of their number, to visit every school within their school district, at least once in every month, and cause the result of said visit to be entered in the minutes of the board; and it shall be their further duty, to make an annual and full report to the district inspectors, to be appointed as hereinafter directed, of the situation of each school in their district, the number of scholars, the studies pursued, and whether in connection with manual labour, the number of months in the year, the schools that have been opened, the expense attending each school, salary of the teacher, and his or her qualifications and general conduct, together with such information as may be beneficial in forming a just estimate of the value of such schools; and this report to the said inspectors shall be made on or before the first day of October in each year.

Section 12. The several courts of Quarter Sessions in this Commonwealth shall, annually, at their first sessions after the election of school directors within their respective counties or divisions, appoint two competent citizens of each school district, to be inspectors of the public schools therein established by this act, who shall be exempt during the performance of the duties of their said office, from militia duty, and from serving in any township or borough office.

Section 13. It shall be the duty of the school inspectors, to visit every school in their respective districts, at least once in every three months, and as much oftener as they may think proper; to inquire into the moral character, learning and ability of the several teachers employed therein; they shall have power to examine any person wishing to be employed as a teacher, and if found qualified and of good moral character, shall give him or her a certificate to that effect, naming therein the branches which he or she is found qualified to teach, which certificate shall be valid for one year from the date thereof, and no longer; and no person who shall not have obtained such certificate, shall receive from the county treasury, or from the treasury of the commonwealth, any compensation of his services.

Section 14. The inspectors of any school division, may meet at such times and places as they may deem expedient, and adopt such rules for the examination of teachers and schools, and prescribe such forms for certificates, as they may deem necessary to produce uniformity in such examinations and certificates, throughout the school division; and they may, if they deem it expedient, appoint days for the public examination of teachers, and require all teachers to be examined in public; and said inspectors, or any one of them, may visit all district schools in their school divisions, and examine the same.

Section 15. Whenever the inspectors meet together as they are empowered by the preceding section, they shall organize themselves for the proper transaction of business, and each inspector shall be governed by the rules then adopted in his examinations, and observe such forms in his certificates, as shall be prescribed by the majority of the inspectors of the school division thus assembled; and no certificate of qualification shall be given by the inspectors, or any of them, to any teacher, unless he or she be found qualified to teach reading, writing and arithmetic.

Section 16. The school inspectors shall minutely examine into the state and condition of the schools, both as respects the progress of the scholars in learning and the good order of the schools, and make an annual report to the superintendent of the public schools, on or before the first Monday in November, of the situation of the schools in their respective districts, founded on their own observations and the report of the respective school directors; to include the character of the teachers, the number of scholars admitted during the year in the several schools under their inspection; the branches of study taught in each school; the number of months in the year during which each school shall

have been kept open; the cost of the school houses, either for building, renting or repairing, and all other costs that may have been incurred in maintaining the several schools in their respective districts; and also shall cause the same to be published in the school division, at the expense of the respective city or county.

Section 17. The Secretary of the Commonwealth shall be superintendent of all the public schools established by virtue of this act, and he shall perform the following duties:

I. Prepare and submit an annual report to the Legislature containing a statement of the condition of the common schools, estimates and accounts of expenditures of the school moneys, plans for the improvement of the common school system, and all such matters relating to his office of superintendent and to the concerns of the common schools, as he shall deem it expedient to communicate.

II. He shall prepare suitable blank forms, with necessary instructions for making district reports, and for conducting the necessary proceedings under his jurisdiction, and he shall cause the same together with all such information as he may deem necessary for the further improvement of the schools, to be transmitted to the several boards of directors.

III. He shall sign all orders on the state treasury for the payment of moneys into the county school funds, but no such order shall be drawn until the county commissioners shall have furnished him with a certificate, which they are hereby required to do, of the amount of school tax required by this act, having been assessed according to the provisions thereof.

IV. If any controversy shall arise in relation to the distribution of the public money, or between the inspectors and directors concerning the duties of their office, an appeal to the superintendent shall be made, who is hereby authorized to settle and adjust all such disputes, without cost to the parties; and all money reasonably expended by him in this, and other matters appertaining to the execution of his duty as superintendent, shall upon due proof, be allowed to him by the auditor general, and paid out of the state treasury.

Section 18. The county commissioners shall transmit an abstract of the accounts, audited by the proper officer, to the superintendent, once every year, on or before the first day of November.

Section 19. Seventy-five thousand dollars are hereby appropriated out of the school fund, for the year one thousand eight hundred and thirty-five, which amount shall be annually thereafter appropriated and paid as hereinafter directed, until the year when the school fund shall yield an interest of one hundred thousand dollars annually, when that sum shall be distributed in each year amongst the school divisions created by the adoption of this act, in manner following:—The superintendent of common schools shall give notice, in at least one public newspaper in every school division within this Commonwealth, for the space of three weeks, of the sum to which such division may be entitled, having reference in such distribution to the number of taxable inhabitants in said division; and these funds shall be again distributed to the different districts, in proportion to the taxables of said districts, according to the provisions of this act; and as soon as practicable thereafter, the said superintendent shall cause the distributive share of each school division entitled thereto, to be paid to the county treasurer, which shall be apportioned amongst the respective districts of the several divisions, according to the said principle of distribution prescribed for the superintendent; and the same rule shall be observed in the distribution of the proceeds of the tax imposed upon the county for the same purpose, by the delegate meeting hereinbefore provided for.

Section 20. All monies that may come into the possession of the county treasurers, for the use of any school district or districts within their respective divisions, shall be paid over by the said treasurers to the

treasurers of the said districts respectively, at such times as the commissioners of the respective counties shall order and direct. And the bond of a county treasurer shall be forfeited, by any failure to comply with the duties enjoined upon him by this act.

Section 21. The treasurers of the respective townships and boroughs, where such officers are appointed, shall be treasurers for their respective school districts, and all monies belonging to a district for the support of schools, whether the same be derived from appropriations by the state contributions, from the county treasury, private donations, or otherwise, shall be placed in the custody of the treasurer thereof, and shall be paid out on orders drawn by the president of the board of directors, by order of said board; and the accounts of the said board shall be audited and adjusted as other accounts of the townships and boroughs are directed by law to be audited and adjusted; and the said treasurer shall be required to give to the board of directors, good and sufficient security for the safe keeping and faithful application of the funds entrusted to his care, in all cases where the said treasurer shall be appointed by the said board of directors: *Provided*, That the several duties of district treasurers in the cities of Philadelphia, Lancaster and Pittsburg, shall be performed by the treasurers of the respective counties, and their accounts shall be audited and settled by the county auditors, as in other cases.

Section 22. The county commissioners of each county in the commonwealth, shall have power to take and hold, in fee simple or otherwise, any estate, real or personal, which shall be given by any person or persons, or bodies corporate for the use of any school division within the said county.

Section 23. The supervisors of every township, and the town council of every borough forming a school district, shall have power to purchase, hold and receive real and personal property of all descriptions, that may be necessary for the establishment and support of schools, and the same to sell, alien and dispose of, whenever it shall be no longer required for the uses aforesaid. And in all cases where real estate is held by trustees, for the general use of the neighbourhood, as a school house or its appendages, it shall be lawful for the said trustees, the survivor or survivors of them, to convey the same to the supervisors or town council of the proper district; and from thenceforth, the said supervisors or town council shall hold the said property, for the same term and for the same use for which it was granted to the said trustees.

Section 24. That it shall be the duty of the treasurer of each county for the time being, to receive all the moneys, from whatever sources they may arise or become due, that are to be distributed and applied to the support of schools created under the provision of this act, which said county, to keep a just and true account of all his receipts and payments, which the auditors of the county shall audit, settle and adjust, in like manner audit, settle and adjust his accounts as county treasurer, which accounts, so audited shall be transmitted to the superintendent of common schools, by the county commissioners, as directed by this act. And the said treasurer's accounts shall contain a true statement of all moneys received during the year, for the use of any school or schools of any division or district of his county, designating in said accounts, from what source said moneys have been derived, and such accounts shall be sworn or affirmed to by him.

Section 25. Upon settlement of the account of such treasurer, if any balance is found due by him, the transcript of such balance may be filed in the court of common pleas of the proper county, the same shall be a lien upon the real estate of such treasurer, in like manner as balances due by him to the county and commonwealth are made liens by the act of assembly.

Section 26. So much of any act of the General Assembly as is hereby altered or supplied, is hereby re-

pealed, except the act and its supplements now in operation in the city and county of Philadelphia, entitled "An act to provide for the education of children at the public expense within the city and county of Philadelphia," which is made concurrent with the provisions of this act, and is in no wise to be considered as altered, amended or repealed, except so far that the citizens of said city and county shall be entitled to receive their due proportion and share of any money which may be appropriated out of the school fund, by the legislature, in pursuance of the provision of this act.

Section 27. Immediately after the passage of this act, the Secretary of the Commonwealth shall cause circular letters, with the said act attached thereto, to be addressed to the sheriff of each county, and it shall be the duty of the sheriff aforesaid, to publish the same in two or more newspapers in his county, if so many be published therein, for three successive weeks, in such manner as shall secure the timely organization, under this act, according to the provisions thereof, the expense to be defrayed out of the county treasury.

WM. PATTERSON,
Speaker of the House of Representatives.
THO'S RINGLAND,
Speaker of the Senate.

Approved—This first day of April eighteen hundred and thirty-four. GEO. WOLF.

From the Commercial Herald.

PHILADELPHIA EXCHANGE.

At a meeting of the Merchants, Manufacturers, Mechanics and Traders, subscribers to the Philadelphia Exchange, held at the Exchange, on Saturday, the 5th April, 1834.

JOHN R. NEFF, Esq. was called to the chair, and Richard Price appointed Secretary.

The object of the meeting having been stated by the Chairman—whereupon, Gerard Halston offered the following preamble and resolutions, which were adopted, viz:

Whereas, other commercial cities have derived very great facilities in transacting business from the assembling, at a certain and fixed hour, of all persons engaged in trading: and, whereas, the dispersed locality of the places of business render it peculiarly important that the traders of this community should meet at a certain time of each day—I therefore, be it

Resolved, That *One o'clock* be fixed as the hour of High Change, when Merchants, Manufacturers, and all other persons engaged in buying and selling, are particularly requested to attend

Resolved, That the persons now present pledge themselves to attend for *at least five minutes* at the hour above designated, and that they will exert themselves to procure the assembling of as many of the trading community as possible.

Resolved, That the thanks of this meeting are due to the President and Managers of the Philadelphia Exchange Company, for the judicious arrangement and conveniences which this building affords to the wants of the business community of this city.

Resolved, That the proceedings be signed by the Chairman and Secretary, and published in the daily papers.

JOHN R. NEFF, Chairman.

RICHARD PRICE, Secretary.

Messrs Editors.—I was much pleased with the proceedings of the meeting of Merchants, Manufacturers and Traders in general, held this day to fix the hour for holding Change. The unanimity, and numerous and respectable character of the assembly, prove that this important measure is duly appreciated. If this happy commencement be followed up and continued, we may

expect the most important results to the trade of our city. The Exchange is neutral ground, where every one meets on a footing of equality, and can transact his business with great promptitude, and on terms of much greater advantage than if he is obliged to go to the counting house of the person from whom he wishes to buy, or to whom he may wish to sell an article. As some information respecting the Exchanges of other places may be of interest to your readers, I beg to give you some memoranda of those I have attended in the course of some years rambles over the commercial world.

New York Exchange assembles at 2½ o'clock P. M. but is not fully attended till 3¼ o'clock, which is called "high change." This meeting is composed of importing and shipping merchants, wholesale dry goods merchants, grocers, ship masters, ship and house builders, master mechanics, and in short of every one who wishes to be sure of meeting the business men of the town with whom he may have transactions. This institution is found to be of the greatest advantage to New York, by giving unity of action, and creating a commercial spirit, and affording great facilities for doing an immense business in a short space of time.

The *Liverpool Exchange* is badly regulated—the hours are from 2 to 5 P. M. and if the visitor wishes to be sure of seeing the persons who frequent it, he may be obliged to waste three hours before he can accomplish his purpose.

The *London Exchange* is admirably conducted. At 4 o'clock, P. M. the crowd begins to pour in, and by 4½ o'clock it is "high change." At 4¾ o'clock it ceases, when Beadles go round with large bells, with which they make such a deafening noise that the assembly is soon dispersed, and the gates are locked, and no one allowed to enter until next day. All the principal merchants have regular places of resort on Change. For example, Mr. Rothschild is always to be found on foreign post days, on the "Italian walk;" the Messrs. Baring, Brothers & Co. are to be found at the Column which they have frequented for years. Those merchants who are in the American trade, frequent the "American Walk;" those who are in the Russian and Swedish trade frequent the "Baltic Walk;" and those in the German trade frequent the "Hamburg Walk."

The *Amsterdam Exchange* is also well regulated. The bell begins to ring at half past two o'clock, P. M. and if all persons who wish to enter the gates before the clock strikes three, do not succeed in getting in, they are compelled to pay a small fee, amounting to 8 or 10 cents, for admission. If any one wishes to enter at half past three o'clock, he is obliged to pay a fee of a half guilder. So much importance is attached to regular attendance on change, that if a house is not represented either personally or by one of the confidential clerks, it is considered that a death has occurred in the family of some one of the partners, or that bankruptcy or some other misfortune has occurred.

The *Antwerp Exchange* is equally well regulated as the preceding—high change is at 5 o'clock, P. M. when the gates are closed, and to gain admittance, a fee of a half franc is paid.

The other Exchanges say those of Hamburg, Rotterdam, St. Petersburg, &c. &c. are somewhat differently managed, but as a general rule it may be stated that a stranger may be always sure of meeting the principal Merchants, Manufacturers, Shipmasters, and large dealers of every description at these convenient places of resort. As regards the *Philadelphia Exchange*, I hope every individual in the city and county who does any thing like a wholesale business, whether he be a merchant, manufacturer, dry goods merchant, grocer, broker, shipmaster, builder, or lawyer, or retired capitalist, will consider it his duty to be present for *at least 5 minutes* of each day at one o'clock—if business requires, he may stay as much longer as convenient. If every one having business to transact, will make it a

rule to be punctual to the hour, it will facilitate transactions and lead to the most important and beneficial commercial arrangements.

The *Philadelphia Exchange* is a magnificent as well as most convenient edifice for the purpose designed, and if our citizens will make full use of it, they will derive important facilities in the transactions of their business—if they do not, they will have to blame themselves for not receiving all the benefits it is intended to afford.

A MERCHANT.

April 5, 1834.

TOLLS ON PENNSYLVANIA CANAL.

Tolls at Harrisburg, received up to the 3d of April \$1, 638 08.

[By the politeness of Mr. Hendel, collector at Portsmouth (Middletown) we are enabled to present the following statement.]

Statement of the number of Boats cleared at Portsmouth, in the month of March, together with the amount of tolls received daily.

1834.	Cleared.	Boat,	Amount of tolls paid.
March	4	One	\$0 48
	5	do	1 17
	6	do	2 10
	7	Two	2 08
	8	Seven	22 41
	9	Three	6 82
	10	One	1 26
	11	Three	3 55
	12	Six	33 39
	13	One	0 34
	14	Three	6 39
	15	Seven	134 57
	16	Two	130 35
	17	Three	94 33
	19	Five	296 11
	20	Thirteen	666 20
	21	Four	45 59
	22	Seven	197 48
	23	Twelve	363 87
	24	Five	154 30
	25	Two	95 59
	26	Three	117 23
	27	Fifteen	391 62
	28	Sixteen	219 96
	29	Nine	62 29
	30	Six	226 57
	31	Eleven	105 06

Amount received in March, \$3,386 11
Harr. Chron.

SHEEP KILLED BY CATS.—Incredible as this may sound, we have good authority for saying the deed has actually been perpetrated in this county. Several cats, of the common species, with their progeny, have for three or four years past made an old stone quarry in Martic township their abiding place, and in that time it would seem have relapsed to the wild state and acquired the ferocious and predatory habits natural to their tribe. A short time ago some of them were seen in pursuit of a full grown sheep belonging to the flock of Mr. Martin Herr, of that vicinity. They soon overtook it, dragged it to the ground, and before the person who witnessed the scene could reach the spot, they succeeded in so lacerating the poor animal's throat that it bled to death in a short time. It required considerable exertion to drive them off. A dog, subsequently sent in pursuit of them, caught one, but would probably have been himself worsted in the conflict that ensued, had not the owner come to his rescue: It is said that they also pursued a small boy some time ago, and followed him a considerable distance, as is now supposed with deadly intent.—*Lancaster Examiner*.

From Poulson's American Daily Advertiser.

JAMES COX.

The death of James Cox, was announced in this paper within a few days, at the advanced age of 83. Mr. Cox was too remarkable a man to be allowed to pass away among us without at least a slight notice. His great passion was book collecting, and during a long life, he was so thoroughly imbued with the bibliomania, that he sacrificed all his income to the attainment of his object, so long as he was able to exert himself in his profession. He came to this country from England, when a young man. Passing along Almond street, he saw a lady at her front door, whom he recognized as having emigrated from his own country, and a friendship was formed between them. Mr. Cox became her heir, and having now a comfortable house over his head, and some small income besides that derived from the exercise of his talents, he devoted himself very much to forming a library, and to literary pursuits, passing only a part of each day in teaching drawing and painting.

He was long the fashionable drawing master in the families of our wealthiest citizens, and in boarding schools, &c. Robert Morris and General Washington were among his patrons. Being almost the only professor of his art, Mr. Cox found money flow in upon him in a perennial stream, and what was so easily made was as rapidly spent. The book stores, book stalls and auctions, were daily visited in search of varieties; his bills at one book store alone, are declared to have exceeded a thousand dollars per annum, for many successive years, while his importations from Europe were also considerable. Books on the Fine Arts, when such things were unknown in our public and private Libraries, were to be seen only in his collection; hence his rooms were the resort of artists, and from this storehouse emanated patterns for various kinds of house decorations, theatrical ornaments, scenery, and so forth. Music too he cultivated successfully, and was intimate with the most prominent professors of the art. His purse was not unfrequently opened to poor actors and others.

A bachelor with these habits, and without a relative in the country, living to his great age, may be supposed to have survived most of his friends and intimates, as well as a large portion of even his scholars; such was the case, and when the writer of this imperfect notice was first attracted to his house by the fame of his library, within about three years, he found him a solitary being of extremely eccentric habits. His companions were a dog and maccaw; the latter, remarkable for its splendid plumage, its loquacity, and mischievous disposition.

Much persuasion was necessary, in order to obtain a view of his books, which were stored away in a second story room, in double and treble rows, and covered with cobwebs and dust, while the floor was strewn with portfolios of drawings, scraps of music, broken instruments, hour glasses, plaster casts, &c. with not a few evidences of the inroads of vermin of sundry descriptions.

A few hours passed here convinced the writer that the collection possessed great value, both as a curious and useful library of reference, and his exertions, aided by others, were immediately used to induce the venerable owner so to dispose of the accumulation of his long life, as that his literary treasures might not be dispersed, but remain a monument of his industry and taste to posterity. The greatest reluctance was evinced at the very idea of parting with these old companions, who had cheered his solitude, and given him an object to live for. After frequent casual conversations, his judgment became convinced of the propriety of depositing his books in an institution where they would be kept together, and having negotiated with him for the Library Company of Philadelphia, who agreed to give him an annuity of four hundred dollars for his support in de-

clining life, the writer had the pleasure of transporting nearly the whole of the collection to enrich the shelves of the above institution. The number of volumes exceeded five thousand.

Thus the Library Company has been benefited, while Mr. Cox obtained the object of his wishes, that of leaving entire his literary treasures in a place where they will be appreciated, and where his name, inscribed in each, will cause him to be remembered.

The passion for collecting remained to the last. With his increased income, he has been since an occasional attender at book sales, laying the foundation of another library:—had he lived long enough, his old hive would probably have been again filled.

The Directors of the Library having granted Mr. Cox the free use of the books of the Institution, he was for some time a regular visitor, when age and increasing infirmities permitted so long a walk. He had many anecdotes to tell of his books, the difficulty he had encountered in procuring this, and the envy he had excited at having the good fortune to possess that curious specimen of typography or engraving, and his conversation generally ended, with the history of some old citizen's attempt to purchase or bribe from him one of his literary treasures.

The remains of Mr. Cox were deposited in St. Paul's Church Yard, on Sunday, the 30th of March, and though followed by no single relative, a train of respectable citizens and neighbors accompanied them to their long home. His monument is his books, and by them he will long be remembered by the citizens of Philadelphia, comparatively very few of whom could have been aware of the existence of so singularly eccentric a being as JAMES COX, *the Artist and Bibliomaniac*. His remaining property is understood to have passed by will to the son of one of his former friends and associates.

S.

IT IS SETTLED AT LAST.—We are told that the Commissioners, yesterday, completed the contract for the purchase of the square of ground, lately owned by Jas. Ross, Esq., fronting on Fourth, Grant, and Ross streets, and Diamond alley, being 337 feet by 230, for \$20,000. The spot selected is very high and airy, and, in those respects, certainly admirably calculated for the purposes to which it is to be devoted—the erection of a Court House and Prison.—We are well pleased that the decision has been made, although the selection is not the one which we would have preferred.—*Pittsburgh Gazette*.

The Rail Road over the Mountain, and the Canal.—The Ebensburg Sky furnishes the following particulars. We publish them for the purpose of keeping our traveling friends in remembrance of what can be seen, without going out of Pennsylvania in the "summer trips."

The following table shows the horizontal length and the height of each inclined Plane on the Portage Rail Road, numbered from Conemaugh, eastward.

No	Length,	Feet.	Height,	Feet.
1,		1,600		150 00
2,		1,755		134 40
3,		1,585		130 50
4,		2,138		187 86
5,		2,620½		201 64
6,		2,700		266 50
7,		2,642		260 50
8,		3,100		307 60
9,		2,714		189 50
10,		2,288		180 52

From the basin at Conemaugh to the Turnpike road at the Summit, the distance is a little over 25 miles—on this distance there are 5 planes, the horizontal length of which is 9,747½ feet, which overcome an elevation of 894 40 feet. From the Turnpike road at the summit, to the basin at Hollidaysburg, the distance is about 11½

miles. On this distance, there are also 5 planes, whose horizontal length is 13,443 feet, with an aggregate descent of 1,204 62 feet.

The lowest grade is on plane No. 9, which rises 7¼ feet the 100, and the highest grade is on planes No. 6, 7, and 8, which rise 10¼ feet to the 100.

ERIE, April 5, 1834.

LAKE NAVIGATION.—The Steam Boats, Oliver Newberry, Wm. Pescock, Pioneer, Ohio and Delaware, are making regular trips up and down this lake, as far as the ice will permit. None have yet been below Dunkirk. Several schooners are also plying between this place and Detroit. Several other boats and schooners are in readiness to commence their trips as soon as business will warrant. This, however, can hardly be expected until a communication is opened to some of our eastern markets. Buffalo is still blockaded with ice; and we are informed by travellers, from that direction, that it is doubtful whether a free communication can be had with it before the first of May.

From this place, upward, the lake was clear and navigable in February, and has continued so ever since. Thus, we have already lost over five weeks of the best season for business, for want of a cheap communication from this place, to the Atlantic cities, and, in all probability, we shall lose from three to four weeks more.

How long will Pennsylvania remain blind to her own interests? How long will she permit such invaluable advantages which nature has bestowed upon her, to remain unimproved, through fear of adding a few thousand dollars to the debt of millions which she has already incurred in prosecuting her internal improvement, without accomplishing the object of her ambition. We wish the legislature would pause one moment in their suicidal career, and reflect upon the prize which they are discarding. We wish the members could calculate and appreciate the amount of business, that is, and that which must hereafter be done through Lake Erie. But with those who are wilfully blind, it is of no use to reason.—*Erie Observer*.

COAL.—Another extensive steam boat proprietor—one interested in four or five of the best boats on this lake—has confirmed the statement which we made last week, on a similar authority,—that if the canal was completed so that we could get the Mercer or Venango coal, it would be used for fuel by all the steam boats navigating the lake.—*Id.*

There will be over thirty-three steam boats on Lake Erie alone, during this season, besides a number connected with them and running on Detroit river and lake Michigan. Several more will be built during the season. The number of schooners amount now to about, we believe over, one hundred and fifty; and before the season is through they will probably exceed two hundred, besides what trade with Lake Ontario through the Welland canal.—*Id.*

OUR CANALS.—From the Hollidaysburg Aurora, we learn that about 30 boats had arrived at, and departed from that place during the week ending the 4th inst. Large quantities of goods were brought by these boats, destined for the west. The amount of tolls received by the Collector at Hollidaysburg up to the 1st inst. was \$1200; at Harrisburg, to March 31st, \$1,638 80.

Printed every Saturday morning, by Wm. F. Geddes, No. 9, Library street, Philadelphia.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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GEOLOGICAL AND MINERALOGICAL SURVEY OF THE STATE.

Report on the subject of a Geological and Mineralogical Survey of the State.—Mr. Worthington, Chairman. Read in the House of Representatives, March 31, 1834.

The committee to whom was referred the memorial of the members of the "Chester county Cabinet of Natural Science," inviting the attention of the Legislature to the subject of a geological and mineralogical survey of the State, and requesting the adoption of such measures as will best promote the accomplishment of this important object, Report:

That they have devoted every attention to the consideration of the subject, which the limited period since its reference, and their other indispensable engagements would permit; and it is not without some regret, that they have been compelled to submit the result of their labors at such an advanced stage of the session. Could it have been otherwise, we cannot forbear indulging the hope, that some efficient measures might have been adopted to attain the wishes of your memorialists. An object so manifestly beneficial to the whole commonwealth, and possessing such an obvious tendency to advance individual as well as general prosperity, could not fail to receive the serious and favorable regard of an enlightened Legislature.

At a period, however, when the representatives of the people are about to close their labors and return to their constituents, it is not to be expected that an enterprise of this kind would be undertaken. To many minds, it is one of too novel a character, and too little understood, to meet with a cordial reception, without sufficient time for deliberation. But that all will eventually concur in its importance, we have little doubt; and therefore, without presuming to press it upon the attention of the Legislature at present, we would merely solicit the acceptance of such views as have presented themselves to your committee, with the hope, that the public mind may be called to the subject and thereby prepared for more effective and successful legislation at a future day.

The science of geology, although among those of modern discovery, yet, in point of usefulness, it holds a conspicuous rank, and in interest, is not excelled by any other physical pursuit. Men who have attained the highest intellectual eminence in various parts of the civilized world, have devoted themselves to its cultivation. Either by individual exertions, or associated efforts, they have been assiduously engaged in its advancement; and with but little aid from Government, a vast amount of good has resulted to the cause of science generally, and the promotion of all the useful arts. And can it be a matter of surprise, when we reflect how dependent we are upon the earth for almost every comfort and necessary of life, and that it is from this source, a beneficent Providence enables us to supply our continual wants, that a science, tending to acquaint us with its structure; the position of its mineral riches; the character of its diversified soils, and the changes to which it is liable, should present such peculiar charms to an inquiring mind? It is but in accordance with the natural character of the human intellect, to labor in a pursuit which embraces such a vast extent of utility.

The interests of men will ever maintain a pre-eminent control over their actions, and in a great degree prove an incentive to mental as well as physical labor. If we regard the prosecution of geological science in this light, we may ascertain sanguine hopes, that the period will sooner or later arrive, when the hidden treasures of Pennsylvania will be developed by the researches of some scientific and skilful geologist. No section of the Union presents stronger inducements for engaging in such an enterprise, and no State could derive such signal benefits from a full and careful exploration of its territory. We embrace, within our limits, almost every variety of formation, and may look with great confidence for every kind of ore, however valuable or rare.

If then the geological character of our State is so important and interesting, what advantages might we not expect to obtain from a survey, conducted by individuals fully qualified for the undertaking? Where practice and science would be brought to aid each other in such an enterprise, we may fairly anticipate the most useful results to individuals, as well as to the Commonwealth. A few of these benefits, we would beg leave briefly to present to the consideration of the Legislature.

We need only refer to what has already taken place in many parts of the State, to be satisfied that the value of lands must be greatly enhanced, by the discovery of numerous treasures which now lie concealed in the bowels of the earth. Those vast and extensive regions of anthracite, which constitute no small portion of our wealth, were once looked upon as barren and dreary wilds, unfit for any of the purposes of man. But now those districts which were then thought altogether useless, because they presented no inducements for the agriculturist, are found to contain a treasure more valuable than all the gold of the south. Almost every day, this important article is found in new situations; and every additional discovery brings into use some section of land, hitherto regarded as entirely valueless. And while Pennsylvania contains a large portion of these lands, which are not adapted to agricultural pursuits, she possesses an abundance of mineral and metallic riches, which amply compensate for all her extent of mountainous territory, and fully supplies whatever deficiency of wealth exists from this source. A geological survey would undoubtedly develop still more abundantly these hidden treasures of the earth, and furnish us with an amount of iron, coal, salt, and a variety of other articles, greatly above what is now produced. A further settlement of our soil would take place. Capitalists and other enterprising individuals would locate among us. This enhanced value of the lands would not be confined to those in the hands of citizens. The State still holding a large quantity of unsettled lands, would also partake of this advantage. Indeed, it is but reasonable to suppose that the influx of wealth into the State would be considerable. Every farmer, manufacturer or mechanic, desirous of fixing himself on our lands, could perceive at a glance where he could do so on terms most beneficial to a successful prosecution of his labours.

Agriculture would be greatly promoted by the discovery of new localities of mineral manures. These articles are deemed highly important in every agricultural district, and constitute, according to William Maclure,

Esq., one of the main sources of profit to the canals of England. Our state abounds in limestone of almost every variety, and wherever discovered, its conversion into lime and application as manure, has materially contributed towards enriching the character of the lands in its vicinity. Let it be discovered in new situations, and the same results will follow. Every quarry of this useful article that shall be opened, will add wealth to the neighborhood and fertility to the soil.

Besides limestone, we might look with some degree of confidence for gypsum. Until a complete survey of the State, however, shall be obtained, it is impossible to conjecture with any degree of accuracy, what extent of usefulness may be rendered to the Commonwealth by the discovery of this valuable product. In the western part of Pennsylvania, we have the salt springs, from which a large amount of salt is manufactured annually; and it is but fair to suppose, that in that section of country the salt rocks are also to be found; and if so, we have no doubt but a proper geological examination in that quarter, would bring to light the location of that important article, by which they are most generally accompanied. In England, the State of New York, and other situations where the researches of geologists have discovered these rocks, gypsum has also existed. Is it not probable then, that the western part of our State contains this highly useful mineral? And if a survey would develop its situation, and enable us to avail ourselves of the advantages of such a treasure, without depending upon foreign supplies, what immense good would be rendered our citizens, and how greatly would the agricultural interests of the State be promoted.

Manufactories would also be vastly benefited by the survey. No State in the Union enjoys such signal advantages for conducting this important branch of productive industry, as Pennsylvania. Her immense beds of anthracite and bituminous coal; her inexhaustible supplies of iron ore, together with the innumerable sites for water power which her streams afford, render her peculiarly adapted for the successful prosecution of this species of enterprise, and will some day give her a distinguished rank among manufacturing nations. There is scarcely any branch of this kind of labor, which she might not profitably pursue. Her iron ore is of the best quality, and profusely distributed throughout the State; her clays are well adapted for the manufacture of bricks, pottery, &c.; she possesses materials for porcelain and glass; her quarries supply an abundance of marble, granite, gneiss, serpentine, and other beautiful rocks for architectural purposes. Lead, copper, manganese, zinc, cobalt, antimony, gold, silver, and perhaps a variety of other valuable minerals, would be discovered, to reward our labor and furnish new sources of wealth to our citizens.

While, however, the interests of the citizens would be materially enhanced by the successful accomplishment of this undertaking, the Government would reap an equal portion of its benefits. Nothing could be devised so admirably calculated to aid the great scheme of internal improvement, which has been so vigorously prosecuted by our State, and which has involved us in a debt of twenty millions of dollars. Every mine or quarry that would be opened, or every new forge, mill or factory, that should be erected, would furnish additional tolls for our canals and rail ways. It is said, and no doubt with truth, that the greatest support to the canals in England, proceeds from her *salt, coal, iron and manures*. With all these articles, Pennsylvania is abundantly supplied. They constitute a great part of her internal wealth, and it only requires the skill of science to develop more fully their location, and thus secure a fuller distribution of the blessings they are calculated to impart.

The cause of science generally, would be greatly aided by the accomplishment of a geological survey of Pennsylvania. As we have already intimated, no section of this Union presents a more interesting field for the

scientific geologist. It is the very centre of our country, and is rich in almost every mineral product which can serve to enhance our importance as a great manufacturing and agricultural community, or promote the individual welfare of our citizens. A survey of our State has been looked for with longing anxiety by the ardent cultivators of this science in Europe, and the eminent men of our own country, who have contributed by their labors to advance its usefulness, have repeatedly expressed their solicitude for its performance.

Several of our sister States have partially accomplished an undertaking of this character. But Massachusetts is the only one which has authorized a survey of her entire territory. A few years ago her Legislature, actuated by a magnanimous spirit of enterprise, and duly appreciating the great benefits which would result from a scientific exploration of her soil, and a full development of her mineral riches, provided for a geological and mineralogical examination of the whole State. And availing herself of the services of a gentleman distinguished for his scientific acquirements, she has completed the undertaking, and given an example to other States worthy of imitation, while a tribute has been paid to science generally, which will greatly redound to her honour.

The expense of conducting a survey, even of our whole territory, would be very trifling in comparison to the great advantages which would flow from its accomplishment. The expenses incurred by the State of Massachusetts in prosecuting her recent explorations, amounted to only \$2,000. For this sum they were able to procure a full and satisfactory examination of her geological structure—cause to be constructed a suitable accompanying map—and furnish a set of geological and mineralogical specimens to the Government, and to each of her colleges. Professor Hitchcock, to whom this duty was confided, making a very able and interesting report to the Executive, the Legislature directed several thousand copies to be printed for gratuitous distribution, at an expense to the State of \$5,000. These sums constitute the whole expense incurred by Massachusetts in bringing to a successful termination this laudable undertaking—and for these expenditures, many hitherto unknown treasures have been brought to light; new sources of wealth to the State have been opened, and increased ability and enterprise given to the citizens.

When States, enjoying internal resources and offering inducements so much inferior to ours, are thus unfolding their mineral treasures, enriching their citizens by presenting them with new objects of industry and enterprise; and giving honourable encouragement to science, shall Pennsylvania remain indifferent to her superior advantages? Would it be consistent with the enterprising character of her population, who have, through a spirit of patriotism and zeal commensurate only with their inexhaustible means, expended millions for the benefit of the Commonwealth? It would be with reluctance that we could hear an affirmative response to these interrogatories. We have too much confidence in the intelligence of her inhabitants, to suppose that she will even very long delay, to emulate the conduct of her spirited neighbor, Massachusetts. We trust at no distant day, the subject will again be presented to her assembled representatives, and that some efficient measures will be devised to carry into successful operation the wishes of your memorialists. In order to invite their attention to this object, your committee recommend the adoption of the following resolution.

Resolved, That the subject of a geological survey of this State, be recommended to the early attention of the next Legislature; and that the present committee be discharged from its further consideration.

Suggestions to the Hon. Wilmer Worthington, chairman of a committee appointed by the House of Rep-

representatives of Pennsylvania, upon the subject of a Geological Survey of the State.

1. Such a survey would be highly advantageous to the people of the State.

The discoveries which have already been made in Pennsylvania, prove that its territory is very rich in valuable minerals. It is necessary only to mention its coal, its iron, its copper and lead, its salt, and its marble and limestone. If such treasures have already been brought to light by accident, or by imperfect examination, it is reasonable to infer, that a thorough geological survey, combining the exertions of scientific and practical men, and aided by the local knowledge of the whole community, would develop, still more, the very important mineral resources of this great central territory. Pennsylvania is the heart of the United States, and her canals and rail roads are the arteries through which a genial and powerful circulation will, ultimately, by means of the rivers and the sea, reach every extremity of our country, both concentrating and diffusing a grand vital energy. After having bestowed so many millions on her vast enterprise of internal improvement, it would be very ruinous to stop short of the full harvest of advantage which may now be reaped, without any perceptible addition to the weight of expenditure. It is impossible to name any definite sum, which would cover the geological survey of so large a territory. It appears certain, however, that a single cent, contributed by *every individual* in the State, would carry the undertaking so far, that it would not be permitted to fail; and if the ultimate cost should amount to ten times this conjectural estimate, no money could be better bestowed, with reference both to the honour and advantage of a State, which ought not to recede from the elevated rank it now holds, as one of the first three in the Union.

In such a survey, no class of its citizens is so much interested as those who cultivate the soil. They have long rendered Pennsylvania famous for the beautiful and productive fields which adorn her surface. But there can be no reasonable doubt, that while the ploughshare turns up the most important mines of national and individual wealth, it often leaves, untouched, minerals of great value, which the skillful and practised eye of science and art might bring to light. Without adverting, more particularly, to the invaluable minerals for which Pennsylvania is already so much distinguished, it may well be asked whether the farmer may not, in his daily labours, pass by or tread unobserved on the clays which might afford the materials for bricks, pottery, or porcelain; on the peat which, with due preparation, may compensate for the absence of coal; on the sands which might, with the ashes of his forest, be melted into glass; on the marls which, by skillful mixture with the soil, might greatly augment his crops; and on the rocks which, if well understood, would add to the stock of materials for architecture and other useful arts. It is an advantage of no small value towards a geological survey of the State, that the numerous sections already made and which are still in progress, along the extensive lines of her canals and roads, and in her mines, have uncovered and disclosed a very important portion of her territorial structure, and have thus shortened the labour of geological examination, while its results will, for the same reason, be rendered more certain and valuable.

2. Such a survey would be highly honourable to the character of the State.

It will not diminish the weight of this suggestion, that Massachusetts has already set the example. The government of that State, true to its interests and to its honour, and prompted and led by its late enlightened and patriotic Chief Magistrate, has caused a general and detailed survey to be made of its territory. This arduous and responsible duty, has been executed with great faithfulness and ability, by Professor Edward

Hitchcock, whose very valuable report, including collateral subjects of natural history, fills a large volume, and is fully illustrated by a district atlas. This work has been published at the expense of the Government of Massachusetts, which enjoys the singular pre-eminence of being the first Government that has in any country caused such a survey of its whole territory (and that of no small extent) to be executed. It is well known that, in the State of New York, the Hon. Stephen Van Rensselaer, at his own private expense, procured a geological and agricultural survey of the district adjoining the Erie Canal—a labour which was accomplished about ten years since, by the zealous exertions of Professor Amos Eaton, aided by able assistants. This example is also without a precedent, and it redounds to the honor of the eminent and excellent individual from whose liberality it flowed, as well as to the advantage of his native State.

Pennsylvania will be prompted and incited by such examples, and we may hope, that when her own is added, other States will follow; and thus, at no distant day, we may possess materials for a geological delineation of our whole country—a Herculean labour, which must then be placed upon the shoulders of the government of the Union, and we cannot doubt that it would be cheerfully sustained.

Pennsylvania, by proceeding in the enterprise with promptness and with her accustomed liberality, may not only secure to herself important advantages, but may also signally promote her own honour at home and abroad.

3. Such a survey will greatly promote the cause of science.

Geology has become a science of vast interest, and it is ardently cultivated by a great number of highly qualified men, in every part of the civilized world. In general, their labours are prosecuted either individually or in voluntary associations and without any aid from the Government. Their success has been wonderful, in the development of mineral treasures of the greatest value to public and private prosperity; in ascertaining the structure of the earth and the revolutions it has undergone; in the disclosures of races of organic beings that have lived and died in former ages, and found their tombs in the solid rock; and finally, in the illustration of the power, wisdom, and benevolent design of the Great Creator. In the prosecution of geology as a science, many men of the first order of intellect are now enlisted, and science of every kind is brought to bear on a subject, which is not surpassed in interest by any physical pursuit, nor in grandeur by any one except astronomy.

To this country, the geologists of the old world are anxiously looking, for information respecting the structure and mineral resources of this vast continent: They eagerly seize upon every well-authenticated fact. The geology of Massachusetts has been recently forwarded to many of them, as a scientific tribute from this country, and we trust that the geology of Pennsylvania will follow at no distant day. In no way could more honor be done abroad to the scientific character of our country—an interest which, in importance, is inferior only to its reputation for justice, humanity and benevolence. These are a few of the leading thoughts which present themselves, in contemplating the subject submitted to my consideration. Each head not only admits, but almost deserves a more copious illustration. In a personal interview, many additional suggestions might be easily and usefully made; but perhaps it is not proper to extend this communication any farther, and it is therefore respectfully submitted, by

B. SILIMAN.

Yale College, March 15, 1834.

P. S. Dr. Troost is now engaged in a geological survey of the State of Tennessee, and there can be no

doubt, it will be executed with faithfulness and ability. It is hoped that the Legislature of that State will espouse the cause, and afford Dr. Troust all requisite aid and encouragement.

BANK OF THE UNITED STATES.

April 8th, 1834.

At a meeting of the Board of Directors held this day, Mr. Eyre, from the Committee on the Offices, presented the following report, which was read. Whereupon, on motion of Mr. Sergeant, it was unanimously

Resolved, That the said report be approved and published.

Extract from the minutes.

S. JAUDON, Cashier.

The Committee on the Offices deem the close of the first quarter of the year, a proper occasion to present a review of the measures adopted by them in conformity to the instructions of the Board, on the 24th of September, and 21st of January last.

During the summer of 1833, it became manifest that the Executive of the United States meditated some signal act of hostility to the Bank; and, accordingly, the Board took early measures to provide against it. For this purpose, they began by preventing the increase of business of the Bank—by diminishing the time of the loans, so as to make the funds of the Bank more available, and finally, in protecting the western offices against repetition of the effort made during the last year, to cause a run upon them.

Accordingly, on the 13th of August, 1833, the Board adopted the following resolutions:

1. Resolved, That for the present and until the further order of the Board, the amount of "bills discounted," shall not be increased at the Bank and the several offices.

2. Resolved, That the Bills of Exchange, purchased at the Bank, and all the offices, except the five western offices, shall not have more than ninety days to run.

3. Resolved, That the five western offices be instructed to purchase no Bills of Exchange, except those payable in the Atlantic cities, not having more than ninety days to run—or those which may be received in payment of existing debts to the bank and the offices, and then not having more than four months to run.

This was the only measure then deemed necessary the Board being anxious to make the Bank safe, without incommoding the country. So strong was this conviction, and so reluctant was the Board to diminish its business until it became necessary, that when, on the 16th of August, the Government Directors offered a resolution "for the gradual reduction of the business of the institution throughout all sections of the country," the Board declined even the consideration of it.

It was not until the 24th of September, that as the indications of an approaching act of aggression were multiplied, the Board appointed a Committee of seven members, "to take into consideration what measures it was necessary and proper should be adopted on the part of the Bank, in consequence of the recent intimations that the deposits of the Government are to be moved."

The committee, still unwilling to diminish its accommodation to the community, did not advise any curtailment of the loans, but merely followed out the plan adopted on the 13th of August, of keeping the funds of the Bank in a state of activity, and moving them forward gradually to the Atlantic cities, where the Bank was most vulnerable by the Treasury. They therefore, on the 1st of October proposed resolutions, which were adopted to the following effect.

1st. To extend their third resolution of the 13th of August from the five Western offices to the offices of Burlington, Utica, Buffalo, Pittsburg, Natchez and New Orleans.

2d. That all the other offices should likewise purchase bills only on the Atlantic cities, New Orleans and Mobile, not having more than 90 days to run.

3d. To increase the rates of buying bills of Exchange.

4th. To restrict the receipt of the State bank notes to those in the same places with the offices:—and

5th. To collect the debts due by distant State banks.

Up then to the 1st of October, 1833, no order had been given to curtail the loans. But all who are familiar with our commerce know that during the summer, in the interval between the old and the new crop, commercial operations and the loans founded on them, subsided. This may be seen in the following statement of the reduction of the business of the Bank between the 1st of July and 1st of October for many successive years. That reduction amounted—

In 1823 to	1,240,436 14
1824 to	2,119,291 31
1825 to	131,436 75
1826 to	3,012,258 41
1827 to	2,215,818 61
1828 to	1,473,926 98
1829 to	3,258,080 10
1830 to	2,710,644 14
1831 Here there was an increase under the peculiar circumstances of the country during that year.	
1832 to	4,722,770 78
1833 to	8,275,694 62

So that, without any orders to that purpose, but in the natural course of business, the loans had diminished from the 1st of July to the 1st of October, 1833, \$3,275,694 62—a result occasioned by the voluntary payment at maturity of bills of exchange amounting to

3,808,761 00

And an increase of the local loans of

533,066 38

Leaving the aggregate reduction 3,275,694 62

It was probably in consequence of ignorance of the business of the country that the Secretary assigned as a reason for removing the deposits, the "curtailments" and the "oppressive system of policy" of the Bank, because the returns of the Bank showed a reduction from August to October of \$4,066,146 21.

He ought to have seen from the statements furnished to him that there were no curtailments at all. He ought further to have known that this "oppressive system" consisted of a voluntary reduction by the maturity of bills of exchange drawn at New Orleans to the amount of

\$2,037,099 59

Of bills drawn at other places,

1,018,215 90

Making

3,055,315 49

And of a voluntary, diminution of local loans of

1,010,830 72

4,066,146 21

This very reduction in the local loans moreover consisted merely of a voluntary payment by a mercantile House, under an arrangement for paying the 3 per cent in Europe, by which bills on London were substituted for the sum of \$1,046,678 60, advanced to them; so that there was not one dollar of involuntary reduction of the loans at the very moment when the Secretary gave as a reason for removing the deposits, the oppressive curtailments of the Bank.

About the 1st of October the removal of the deposits took place. Without a moment's previous notice, the bonds actually in the Bank were withdrawn from it—and it has since appeared that while the Treasury was sending daily and weekly lists, professing to contain all the orders on the Bank—secret drafts suppressed from the lists to the amount of \$2,300,000 were distributed for the purpose of being suddenly used, while the Bank was ignorant of their existence. It was then for the

first time that the Bank yielded to the necessity of diminishing its accommodations to the community.

On the 8th of October, the Committee appointed on the 24th of September, Reported the following resolution, which was adopted.

"That the Committee on the Offices be authorized to direct such a gradual reduction in the amount and the time of the loans at the respective offices, as may in their judgment be made without inconvenience to the customers of the bank or the community."

The Committee endeavored to execute this authority in such a manner as would accomplish the object of securing the Bank without injuring the community, and they accordingly directed a reduction of the Loans in conformity to the situation of each office, while at the same time the purchase of domestic bills was left as unrestricted as the state of the Bank permitted, in order to facilitate the reduction of the local loans, and also provide the means of transmitting the proceeds of these reductions to the exposed parts of the establishment.

The progress of these reductions will be seen in the annexed comparative statement, marked A, of the condition of the Bank on the 1st of October, and the 1st of April respectively:

From this table it appears that the total amount of reduction was	\$5,287,385 31
But from this should be deducted the operations in the old suspended debt at the agencies at Cincinnati and Chillicothe, which being settlements in, or for, real estate, are not connected with this movement—they amount to	239,858 19

So that the actual reduction of loans from the 1st of Oct. to 1st of April, has been only	5,047,527 12
During the same period the reduction of Deposits was	7,778,403 41

This will be more perspicuously seen in the following statement:

	1833.	Loans.	Public Deposits.	Priv. Deposits.
Oct. 1,	60,094,202 93	9,868,435 58	8,008,862 78	
Nov. 1,	57,210,604 38	8,232,311 18	7,285,041 88	
Dec. 1,	54,453,104 67	5,162,260 63	6,827,173 10	
1834.				
Jan. 1,	54,911,461 70	4,230,509 63	6,734,868 06	
Feb. 1,	54,842,973 64	3,066,561 72	6,715,312 60	
March 1,	56,167,829 86	2,604,233 62	7,343,129 92	
April 1,	54,806,817 62	2,932,866 74	7,166,023 21	

Reduction of Public Deposits	\$6,935,568 84
Private Deposits	842,834 57

Reduction of Loans	5,047,527 12
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During the same period the accommodation given to the State Banks will be exhibited in the following statement of the Balances due from them, and the amount of their Notes on hand at these several periods:

Oct. 1,	\$4,719,972	Feb. 1,	\$3,211,385
Nov. 1,	4,489,217	March 1,	2,035,985
Dec. 1,	4,083,258	April 1,	2,195,489
Jan. 1,	3,519,385		

Leaving the monthly average	\$3,464,956
In the same period the Bank has purchased of Domestic Bills of Exchange	32,788,704
And of Foreign Bills	1,882,620

In the same time it has paid its Branch Notes, which it was not obliged to pay except where issued, at Baltimore, Philadelphia, New York, and Boston, to the amount of	12,691,130
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Having thus succeeded in bringing the funds of the Bank into a state of control, ready to be applied in whatever quarter they might be most needed, the Committee, in the month of March directed the Southern Offices to abstain from increasing the amount of their purchases of domestic bills of exchange beyond their incomes.

Such is the history and the present state of the reductions directed by the Committee.

The examination of it will present the following result.

1st. That the Bank never directed any curtailment of its Loans until the actual removal of the deposits.	
2d. That the only actual reduction of Loans took place from the 1st of Oct. to the 1st of Dec. when the Loans were diminished	\$5,641,098 26
While at the same time the Public and Private Deposits were reduced	5,887,864 63
3d. That from the 1st of Dec. 1833, to the 1st April, 1834, the Loans have not been reduced, but on the contrary have actually been increasing, and are greater on the 1st of April, 1834, than on the 1st of Oct. 1833, by	353,712 95
While during that same period the Public Deposits, had decreased no less than	2,239,393 39
4th. That the total reduction of Loans from 1st of Oct. to the 1st of April, was	5,047,527 22
While the Public Deposits had been reduced	\$6,935,568 84
Private Deposits	842,834 57
Making an aggregate of	7,778,403 41
being a reduction of loans less, by nearly three millions, than the reduction of deposits.	
5th. That so far from restricting the trade of the country, it has actually purchased from the 1st of October to the 1st of April of domestic and foreign bills of Exchange	34,671,326
6th. That the State Banks were permitted to be indebted to the Bank an average monthly amount of	\$3,464,956

These statements may be not inappropriately closed, by a few remarks.

Up to the 1st of October, 1833, the Bank of the United States was responsible for the general condition of the Currency of the country. After years of effort and sacrifice, it had brought the currency and the exchanges of the Union into a condition probably better, in many respects, than existed elsewhere. With this responsibility was mingled the duty of averting every calamity, and mitigating every shock that might, by deranging the currency, injure the community. It was for this purpose that the Bank interposed in the disastrous crisis of 1833,—for this that it extended its loans in 1831, until the country could recover from its excessive importations—for this that it defrayed, out of its own funds, the cost of postponing the payment of the three per cents. in 1832,—for this that, in the same year, it assumed the payment of the debt to foreigners, lest their demands might add to the troubles of a pestilence which was disordering the commerce of the country. It was for this, in short, that, at all times and under all circumstances, the currency and the exchanges were objects of its constant solicitude.

On the 1st of October, 1833, the violation of the charter of the Bank put an end to all that responsibility. On that day, the Bank of the United States, as a component part of the financial system established by Congress, in which the public revenue was to sustain the public currency, ceased to exist. It became the property of its stockholders—and whether that property should continue to be lent, or should be recalled from

the borrowers in greater or less proportions, was a matter for them, and for them alone, to decide. If, therefore, in the effort to sustain its credit, the Directors of the Bank had reduced its loans more rapidly than consisted with public convenience, the reproach should be on the aggressors who had made this act of self-defence necessary.

It has indeed been asserted, that the Bank has made oppressive curtailments; and the motives ascribed for them are unkindness to the Executive, and a desire to extort from public suffering a continuance of its charter. Nothing can be more groundless than the allegation, except the causes assigned for it. So far from making any unnecessary curtailments, it has been seen that the Bank has made the least possible reduction, consistent with its own security. True it is, that since the Bank refused to permit the political interference of the Executive officers, it has been the object of embittered hostility; and equally true that this very removal of the deposits was declared, by the Secretary of the Treasury who refused to make it, to be a "vindictive" act against the institution. But these are feelings which the Directors of the Bank cannot possibly reciprocate. Nor would they deem so meanly of the spirit and intelligence of their countrymen, as to believe that they would be driven to support what their judgments disapproved by any inconveniences which the Bank could occasion. So far from having the remotest wish to cause such sufferings, the Bank, if it has erred, has erred on the gentler side of looking less to its own interests than to those of the country. For that extreme forbearance, however, it finds an adequate justification in the extraordinary position in which the country is now placed.

The violation of the laws committed by the Executive, is of itself calculated, by destroying confidence, and breaking down the established currency, to afflict and convulse the country. In such a crisis the Bank, unwilling to aggravate these evils, has foreborne to press its claims, but constantly endeavored to mitigate the severity of the injuries inflicted on the community. It will still continue to do so, whenever it can be done with safety. But that safety is its first duty and must be its chief care.

REPORT ON THE COAL TRADE.

APPENDIX.

(Continued from page 254.)

No. 7.

Answer of Volney B. Palmer, of the Borough of Pottsville, Schuylkill county, to "Queries submitted to the Coal Dealers of Schuylkill county, by the Committee appointed by the Senate of Pennsylvania, to investigate the state of the Coal Trade, &c. &c."

To Query 1.—I have been engaged in the coal trade about two years—do not operate under a charter, but in my private capacity. In the season of 1832 (last season) I mined and sold upwards of one thousand, one hundred tons; the present season, (1833) upwards of one thousand, three hundred tons. Had there been a demand, the present season, equal to that of 1832, my mines were in such preparation, that I could have supplied five times the amount of my actual operations.

To the 2.—Thirty-eight miles of rail roads made by companies not having mining privileges.	Estimate \$355,000
29½ miles of lateral road made by individuals	64,650
1,054 waggons belonging to individuals,	76,920
512 boats and horses belonging to individuals;	\$500 256,000
100 Collieries belonging to individuals, including drift wagons, fixtures, tools, &c.	\$200 200,000
60,000 acres of coal land,	\$50 3,000,000

Towns, wharves, &c., built by individuals,	2,000,000
Working capital of 100 Collieries,	100,000
Total individual investments,	\$5,697,570

One mile of lateral road made by companies, having mining privileges,	Cost \$3,000
37 boats, for the most part old ones, owned by the N. Am. company,	worth 5,000
5 boats owned by the Del. company,	\$500 2,500
	\$10,500

To the 3.—The mines now opened, and the railroads and other improvements now completed in the region have not been worked and occupied during the present season to the extent of their capacity. They were capable of producing more than double the quantity.

To the 4.—From my knowledge and experience in the coal business, I consider the incorporation of companies not only unnecessary to its successful prosecution, but positively and absolutely injurious.

To the 5.—The acts and operations of incorporated coal companies, affect individual coal dealers, by producing sudden and extraordinary fluctuations of the market. By raising freights and wages of miners and labourers, at certain seasons, beyond a fair and reasonable price, especially when they wish to make a display of a large quantity of coal for the purpose of raising their stock. By discharging their hands in the winter season, which causes much distress by depriving them of the daily employment upon which they depend for their daily support, and who in some instances, with their dependent families, become chargeable upon the community of individual coal dealers and others for subsistence.

The effect produced by the extension of time and charters granted to certain companies by the last Legislature, has been to discourage individual coal dealers from making additional improvements and investments, apprehending that if such new policy and course be adopted and pursued by the Legislature, that they will be compelled to leave their homes and improvements to the inevitable result attending a system of monopoly, such as has ever, and will ever prostrate the hopes and prospects of individual capitalists, who cannot compete with companies, which not only have exclusive privileges, but whose object is, not to make a profit by a fair and regular business, but to speculate in stock.

To the 6.—The effect of incorporated companies upon the general prosperity of the country may be compared to the dominion of despotism and tyranny, usurping the rights and trampling upon the liberties of the people. It is, in short, agreeably to my view of the subject, an odious aristocracy, claiming a right to exist in a free country "according to law."

As a population or community of slaves, differs from that of freemen, so does a population or community growing up under such companies differ from that created by individual operators. A comparative view of the moral and physical strength and advancement of towns existing in the coal region under the respective operators, may be easily determined by personal observation, and conclusively demonstrated by reference to the statistics of our country.

To the 7.—In the present state of improvements in the coal region, the same amount of capital which would be requisite to a proper and successful prosecution of the business of a farmer, a wood dealer, a merchant, or mechanic, is requisite and sufficient for a proper and successful prosecution of the coal business.

To the 8.—The mining and transportation of coal can be carried on more economically by individuals than by incorporated companies.

To the 9.—I do consider the means of individual coal dealers in the region fully competent to supply the market. Individual coal dealers can now as readily supply the demand for fuel by their operations, as individual wood dealers have heretofore done, prior to the introduction of coal as a fuel.

To the 10.—The consumption of coal is undoubtedly increased by having a constant supply in market.

The average rate of increase of the coal trade for the last thirteen years, is thirteen thousand, five hundred and seventy-seven tons per annum, or eighty-six per cent. per annum.

To the 11.—I suppose that the amount of capital invested by individuals in the coal business and improvements connected therewith exceeds five and a half millions of dollars.

To the 12.—The number of boats now used in the coal trade on the Schuylkill navigation by individuals is five hundred and twelve, and by companies sixty-eight, capable of sending to market yearly four hundred and seventy-five thousand tons.

To the 13.—There are about one hundred colliery establishments now worked by individuals in the coal region and four or five by incorporated companies.

Very respectfully,

VOLNEY B. PALMER.

Pottsville, Pennsylvania, Nov. 1853.

No. 8.

In answer to the queries submitted to the coal dealers of Schuylkill county, by the committee appointed by the Senate of Pennsylvania, to investigate the state of the coal trade, &c. &c., the following is respectfully submitted:

Query 1.—“How long have you been engaged in the coal trade?”

Twenty-eight years—twenty-one in England, and the last seven in the vicinity of Pottsville, Schuylkill county.

“Do you operate under a charter, or in your private capacity?”

Under a charter, as mine agent for the North America coal company.

“State generally the extent of your operations, with such particulars as you may deem pertinent to the inquiry before the committee.”

With respect to the extent of the operations in the North America coal company's work, there are six drifts open and in working order, above water level; the average amount of coal shipped annually from these drifts is about twenty-five thousand tons, and the number of hands employed in and about the mines is one hundred, and the number of souls immediately depending on these works is three hundred and twenty-eight, inasmuch as most of the men have families. But as, in the nature of things, the coal must soon be exhausted above water level, in this coal basin,* it became necessary to try an experiment, by sinking below water level. The company accordingly directed that a shaft should be sunk, which was done, to which another has been added, about twice as deep as the first; but to operate on this principle required an engine, which has been furnished.—The cost of the engine, together with sinking shafts, &c., is about ten thousand dollars. The success of the experiment, so far, has fully gratified all reasonable expectation. But in order to form a correct judgment of the expense and uncertainty of mining operations, and consequently of the propriety of granting certain privileges to those who are occupied in them, it ought to be remarked, that there is great irregularity in the coal veins, and that faults are of frequent occurrence in all those which have hitherto been opened; these faults have to be cut through at considerable expense, and at an absolute loss, making a considerable draw-back on the profits arising from the business.

* It ought to be understood that the Mahanoy coal basin, and this are two distinct coal formations.

Query 2. Not having sufficient data at hand to furnish a correct answer to this query, I omit it. I presume it will be answered by others, who have more time to procure the necessary data.

Query 3. “Have the mines now opened, and the railroads and other improvements completed in the region, been worked and occupied during the present season, to the extent of their capacity?”

I incline to the opinion they have not.

“If not, what amount of coal, in your opinion, are they capable of sending to market yearly?”

It is impossible to give a correct answer to this part of the question, without a knowledge of each vein, the extent of each coal bed, and a thorough examination of each, in order to ascertain the number of hands that could be employed in mining the coal—a knowledge, this, which no person in Schuylkill county possesses, inasmuch as the needful investigation has not been made; and further, if this knowledge were attained, none but a practical man could apply it. It should be kept distinctly in view, that every thing in relation to mining operations in this county, is yet in its incipient stage.

Query 4.—“From your knowledge and experience in the coal business, do you consider the incorporation of companies necessary to its successful prosecution?”

Most certainly I do; for which I assign the following reasons:

I. The expense of mining, on the present principle of working above water level, is great.

II. The expense of operating must soon of necessity be vastly increased, by having to sink below water level.

III. The uncertainty of success attendant on mining operations is so great, as to occasion considerable risk to the capital vested in it.

IV. As the knowledge of mining is very limited in the community, it is therefore extremely doubtful whether individuals of sufficient capital can be found, who would be willing to hazard so much in the enterprise as would give permanency and stability to the mining interests.

V. But a company, chartered with certain rights and privileges, individually risk much less, and in the event of loss or failure of success, are not reduced to poverty, because their all is not embarked in the enterprise.

These are some of the reasons why I think it necessary that companies should be incorporated.

Query 5.—“How are individual coal dealers affected by the acts and operations of incorporated coal companies?”

I should say beneficially: For, 1st, the amount of capital vested in the coal business, by companies, is such as, 2d, to give confidence to the public, that an effort will be made to furnish coal sufficient for home consumption and all foreign demand, which, 3d, will tend to bring the article into more general use; for preparations to burn coal being attended with some expense, many families and manufactories, and other large establishments, would be deterred from making such arrangements, unless there was a prospect of a constant supply, at a reasonable price; and, 4th, individuals who operate on a limited scale, must be benefited by the stability the coal trade acquires, from the influence of incorporated companies.

“And what effect, if any, has been produced by the extension of time and charters granted to certain companies, by the last Legislature?”

I would remark, that if no advantage has accrued but one, that is not of small importance in its bearing on individual operations, viz:—one of the companies to whom a charter was granted, has practically demonstrated that there is coal below water level, at a depth of three hundred feet below the bottom of the creek, (following the vein.) This must be of importance to individuals who have nearly or entirely wrought out all the coal above water level; as they may now, with certainty, (should they possess pecuniary resources,) pro-

ceed to sinking shafts and making those preparations which are needful to mine in the depths of earth.

Query 6. "What do you consider to be the effect of incorporated companies upon the general prosperity of the country?"

Understanding this part of the question to be limited to companies incorporated for mining purposes, and the influence of such companies on the particular district in which they operate, I would say they have been, to this region, what the sun is to the solar system—its life and being. Facts in abundance, speak a plain language on this subject. The population of this region was thin; the quantity of coal sent to the landings was small; the method of transporting it thither was difficult and tedious, prior to the establishment of companies; and had it not been for them, we might probably have still been dragging, with four horses, two tons of coal along muddy roads; and in the place of shipping thousands of tons to foreign markets, supplied Philadelphia market with bushels. With respect to the influence of companies on the rise, advancement and present state of Pottsville, there can be but one opinion among judicious and unbiased men, and that entirely favourable. The millions of dollars they have thrown into circulation, have been a great mean of support to many merchants, storekeepers, mechanics, &c., and undoubtedly one cause of their settling themselves as permanent citizens in the place.

"And wherein does a population or community, growing up under such companies, differ from that created by individual operators?"

In regard to the specific difference of a community growing up under a company, or under individual operation, it may be considered *physically, morally*, or in respect to their *domestic or itinerant* habits.

I. *Physically*.—With regard to their physical construction, I have never been able to discover any marked difference, only this—they generally enjoy better health.

II. With respect to their moral condition, the facts, which have come under my own observation, (and I have been an observer of things now for more than twenty years) are decidedly in favour of a community growing up under companies, the greatest part of them are more steady, sober, and orderly; and I will venture an assertion, that there is not one-tenth the number of insolvent debtors in the latter, as in the former community.

III. In reference to their habits, they are more domestic and settled. Those persons who have families preferring to work for companies even at lower wages, (as a proof of this, there are men now in this company's employ, who have had two dollars per week more offered by individuals than they were receiving from the company,) because they can have regular and constant employ, this should be seriously weighed; for, on whom does the merchant and mechanic in this region principally depend?—the miner: and if the honourable committee wish a practical proof of these things, they have only to visit Pottsville at the present time, and they will see a great majority of those men in the employ of companies, crowding the different churches every Sabbath, which is the greatest honour to any community.

Query 7. "In the present state of improvement in the coal region, what amount of capital is requisite to a proper and successful prosecution of the coal business?"

I should say, for cash concern operating to the extent of the North American company which I represent, \$300,000, exclusive of the lands and necessary improvements and fixtures for the convenient prosecution of the business; \$100,000 cash capital, which is about equal to \$4 for each ton mined and sent to market, for it should be remembered that the coal business must be conducted on the principle of cash payments; the miner must receive his wages every week; the toll and freight must be paid on every boat load; and in order to have any thing like a supply in market, it will be necessary

to have something like 5,000 tons in New York, which will cost \$39,000; 3,000 tons in Boston, cost \$18,000; and then reckon only 3,000 tons more for the other eastern markets, at \$18,000, and then allow 5,000 tons for Philadelphia, at \$4 per ton, \$20,000, this would make an aggregate of 16,000 tons of coal, at a cost of \$86,000. Now on the supposition there should come a very mild winter and only one half of the above quantity of coal should be sold, the next year the individual operator would be under the necessity of discharging a number of his hands unless he should be able to obtain a loan on his coal, which would assist him in prosecuting his business. It must be obvious, therefore, that in such a precarious state of things, the workmen and their families would probably become chargeable to the township.

Query 8. "Can the mining and transportation of coal be carried on as economically by individuals as by incorporated companies?"

Yes—providing individuals with a capital equivalent to that of a company were to enter into the business, for it should be recollected that nearly the same expense in agency is incurred in the shipment of 2,000 tons, that is required for the shipment of 20,000 tons.

Query 9. "Do you consider the means of individual coal dealers in the region competent to supply the market?"

In answering the 7th query, it is stated what amount of capital is needful for one individual to have in order to his carrying on the coal business to advantage to himself and the community, and in answer, I would say, (according to my scanty knowledge of the individual operators in this region,) they are not competent to supply the market.

Query 10. "Is not the consumption of coal increased by having a constant supply in market?"

It unquestionably is—and for this reason there ought to be at least 150,000 tons in market, over a supply.

"And what has been the average rate of increase from the opening of the coal trade to the present time?"

I have not the means at hand to ascertain this, but the Schuylkill Navigation company's books will exhibit it, and I have understood that a transcript of them is or will shortly be given to the public.

Query 11. "What amount of capital do you suppose has been invested by individuals in the coal business, and improvements connected therewith?"

I cannot correctly answer this, inasmuch as I have no means of ascertaining what amount of capital each individual operator has vested in the business, or what amount each has expended in opening veins, constructing lateral rail roads, &c.; and it will be seen at once that this cannot be known without personal communications from them, which perhaps few would be willing to make.

Query 12. This will obtain the most satisfactory answer in the transcript from the book of the Schuylkill Navigation company, before referred to.

Query 13. "What number of colliery establishments is now worked by individuals in the coal region?"

These are comparatively few, as many have stopped their operations.

"And how many by incorporated companies?"

I believe all the incorporated companies in the region have their establishments at work as usual.

Query 14. "Were the mining business confined exclusively to individuals, would it not necessarily fall into the hands of rich capitalists?"

I am inclined to the opinion it would *not*, from the reason assigned under query No 4.

Gentlemen:—It will be observed by the above remarks, that I am decidedly in favor of incorporate companies, for mining purposes, because I have witnessed the benefits resulting from such establishments in a country where *mining* as a natural consequence must

be better understood than it is in this region; yet I, as an individual, would ever pray that the honourable the legislative body of Pennsylvania would never grant unlimited charters to any number of men; for though I do believe it absolutely necessary to have chartered companies, yet I do believe it to be absolutely wrong for those companies to have the privilege of opening stores or of having any thing whatever to do with stores, directly or indirectly, such as giving orders, &c. &c.; but let the companies pay their men in cash, which has always been the case with those companies who operate under charters in this place.

I remain your obedient servant,

WM. MILES, Mine Agent.

No. 9.

Answers of John C. Ernst to queries submitted to the Coal dealers of Schuylkill county, by the committee appointed by the Senate of Pennsylvania, to investigate the state of the Coal trade, &c. &c.

To query 1.—I have been living in the coal region nearly four years, and have been engaged more or less in the coal business in my individual capacity during that time, but this year owing to the state of the market have mined only about one thousand tons. I feel free to say that the only serious difficulty we have to contend with, is the want of a steady and sufficient market; with the certainty of that, individual enterprise would be sufficient to supply any requisite amount of coal. An individual with no more capital than is necessary in many branches of business now carried on by individuals, can mine to the same extent as an incorporated company, the mining of coal being of such a nature that after the first expense of two or three thousand dollars, it only requires an increase of miners to produce coal to an indefinite amount.

To the 2d.—This I believe is fully and correctly answered by a statement to the visiting committee.

To the 3.—The mines now opened have not been worked this season to the extent of their capacity; had there been a certainty of a market the amount could easily have been doubled. For my own part I could have mined four times the quantity I did, had there been a certainty of sales.

To the 4.—I feel confident that the incorporation of companies is not necessary to the successful prosecution of the coal business.

To the 5.—Principally by having the market forestalled by numerous agents which individuals cannot afford to employ, and by publishing exaggerated statements of what they intend to do, thereby keeping purchasers out of the market until near the close of the season when it is found they cannot fulfil their promises.

To the 6.—I cannot answer this better than to refer the committee to what they have seen at Pottsville, and the different stations of incorporated companies.

To the 7.—Cannot say, but give us the market and any amount of capital will be furnished.

To the 8.—Judging from the past I should say much more so.

To the 9.—Answered in the seventh.

To the 10.—Undoubtedly, but the large surplus on hand in the spring, has been a serious evil, and caused the stopping of many of our mines, and also a great fluctuation in the business.

To the 11.—I do not know, but the amount must be immense.

To the 12.—Have not examined, but there are more than can be profitably employed.

To the 13.—Have not for myself examined, but under existing circumstances there are too many.

— JOHN C. ERNST.

No 10.

Answers of Hodgson, Pinkerton, & Co., to the queries of the committee appointed by the Senate of Pennsylvania, to investigate the state of the Coal trade.

To the 1.—We do not operate under any charter—

have been two years nearly in the coal trade, but only one in active operation,—during that year have mined about five to six thousand tons—should have doubled or trebled that quantity, if it had not been for a very extensive fault in the vein.

To the 2.—Can give no answer to this query.

To the 3.—Should say the mines now opened with the improvements connected with them, have not been worked to half the extent they are capable of—it would be difficult to fix any limit to the quantity which might be sent to market from them.

To the 4.—We do not consider incorporated companies necessary for the successful prosecution of the coal business, any more than we should consider them necessary for tilling the soil.

To the 5 and 6.—An answer to these queries, involves so many considerations, and would lead to such a lengthy detail, that we pass them by, merely stating, as regards the first query, our decided conviction that the interests of individual operators are so materially affected by chartered companies, that the former must be ruined and driven from their business and their homes by the latter. And as regards the second query, we consider a community growing up under an extensive chartered company, as dangerous to the republican institutions of this country, inasmuch as a great body of men would be placed so perfectly under the control of their employers, as to be compelled to vote on all questions as their employers wished, or take the alternative of being sent about their business.

To the 7.—The capital required to carry on a coal mining business would be more or less according to the extent of business aimed at. Five hundred dollars would be sufficient for some—five thousand for others,—and fifteen thousand would not be enough for others. A great deal would depend upon where the business ended; whether the coal was sold on the spot where mined, or sent by the miner to a distant market.

To the 8.—There is no doubt that a business of moderate extent can be carried on more economically by individuals than by incorporated companies.

To the 9.—The capital or means of individual coal dealers, is sufficient and would be found to be at all times sufficient for any extended operations, provided there was a certainty of Legislative protection against chartered monopolies.

To the 10.—No doubt the consumption of coal is increased, and will be increased by having a constant supply in the market, and this supply, individual dealers would be able to keep up. We suppose the increase of consumption to have been thirty to thirty-six per cent. per annum.

To the 11, 12, and 13.—We take it for granted there are persons more competent than we to answer these queries, from having been longer and more extensively engaged in business.

HODGSON, PINKERTON, & Co.

Port Carbon, Oct. 14, 1833.

No. 11.

Answers to the queries submitted to the Coal dealers of Schuylkill county, by the committee appointed by the Senate of Pennsylvania.

The subscribers having examined the queries submitted by the committee, and believing they have not sufficient leisure to take up and fully answer all of them, have caused the following summary to be drawn up as expressive of their opinions on some of the more important of them.

To the 1.—We say that we have all been engaged in the coal business, some for a longer and some for a shorter period, and also to various extents. We all operate in our individual capacities, wholly unconnected with any charter.

To the 2.—This query as well as several others requires considerable statistical knowledge to answer it. And being informed that the collection of this has been

confided to competent persons, and that an abstract of their labors has been forwarded to the committee, we shall in answer to this and others of the like kind, refer the committee to the information above mentioned, expressing at the same time our full confidence in its general correctness.

To the 3.—The rail roads now constructed and mines opened have not been occupied to near their full capacity during the past season. The mines could readily yield double, and the rail roads pass five times the present annual quantity.

To the 4.—We do not consider the incorporation of companies necessary for carrying on the coal business, any more than for carrying on any other kind of business commonly left to individual enterprise, more particularly at the present time, as the complaint now is not of a want of coal, but of a market to vend it in.

To the 5.—We believe that incorporated companies injure individuals in their business by the panic which by various means they annually produce in the market, thus deterring individual dealers from entering vigorously into the business in the early and best part of the season, it consequently languishes for the greater part of the season, until it is found that the companies either cannot or will not supply the demand, then there is a rush for coal, and every thing is thrown into disorder. If the business were wholly in the hands of individuals, large capitalists would be induced to engage in it, and from their known sagacity and enterprise, joined to an open competition, the market would be well supplied, and kept in a steady and regular state. The time elapsed since the granting of certain charters by the last Legislature is too short to judge of the effects that will be produced by that step, but it cannot do otherwise than tend to the aggravation of the evils hitherto felt.

To the 6.—We have not had sufficient opportunities of examining what effect incorporated companies may have produced on other districts, but in ours they have added but little to our improvements, or to our institutions, social, religious or literary. We do not believe putting a district of country under the control of an incorporated company will produce either independence of character or freedom of thought or action in its inhabitants. On the contrary, when they are dependent on one source alone for bread, they will soon become so for their opinions also.

To the 7.—When the coal business comes to be divided into that number of branches which the common sense of mankind would soon do if the trade were left to regulate itself, a small capital will be sufficient for the part of the business properly belonging to this region. This business, like many others commonly pursued, admits of a larger or smaller capital being used according to the means or inclination of those engaged in it.

To the 8.—We do not believe that incorporated companies can mine and transport coal as cheap as individuals in a fair open competition. Their affairs always have been and always must be managed by those unacquainted with the business they are conducting. The detail and practical part must necessarily be committed to agents, and agents have never been known to manage as economically for their principals, as individuals conducting their own business.

To the 9.—We have no doubt but that the means of individuals are fully competent to supply all the coal required from this region, and further that capital will flow into the business as fast as wanted if the investments of individuals are not interfered with.

To the 10.—We are fully convinced that the consumption of coal is increased by having a constant supply in the market, equally with all other leading articles, and that there is no surer way to accomplish this object than to throw the trade open to the widest possible competition.

To the 11, 12, and 13.—We decline answering these queries for reasons stated in our answer to the second.

ISAAC BECK
PETER KERN,
JNO. HUGHES,
FRANCIS WADE,
THO. C. WILLIAMS,
CHAS. LAWTON,
M. WEAVER,
ALFRED LAWTON,
THOS. SILLYMAN,
FRANCIS S. HUBLEY,
JACOB CLINE,
JOHN STRAUCH.

Pottsville, Dec. 27th, 1833.

[Many other communications were received from individual coal dealers, concurring fully with the views above expressed, and it has therefore been considered unnecessary to insert them. S. J. P.]

No. 12.

Answers of Dan. R. Bennett, to questions submitted to the coal dealers of Schuylkill county, by the committee appointed by the Senate of Pennsylvania, to investigate the state of the coal trade, &c. &c.

1. I have been engaged in the coal business three years—was prepared to mine and send to market the present year six thousand tons, but owing to the depressed state of the trade, did not exceed one half that quantity.

3. As far as my observation extends, the mines already opened have not been worked to one half their capacity. The rail roads and other improvements connected with the business, are sufficient for at least double the amount of tonnage of the present year.

4. I do not consider incorporations necessary to a successful prosecution of the business.

6. I believe the fluctuations of the trade, that have been injurious to the individual dealer in many instances, and oppressive to the consumers in others, to be one of the effects produced by incorporated companies, profits on stock being their object, rather than those to be derived from the coal business.

7. The mining and transportation of coal can be conducted more economically by individuals than by companies. The necessary agencies of the latter forming a heavy item of expense, to which the former is not subject.

8. The means of individual operators in the region is competent to supply the market, provided, the business could be reduced to cash or short credits.

DAN. R. BENNETT.

No. 13.

Answer of Jacob Serrill to the queries submitted to the coal dealers of Schuylkill county by the committee appointed by the Senate of Pennsylvania.

1st.—I have been engaged in the coal trade four years and operate in my private capacity. I have thirteen thousand dollars in land and improvements in Schuylkill county, connected with my coal operations. In 1831 I sent to market one thousand tons,—in 1832, I sent seven thousand five hundred tons,—in 1833, I sent about five thousand tons,—anticipate sending next year ten thousand tons.

2d.—Not sufficient information to answer.

3d.—The mines now opened, are capable of yielding double the quantity that they have this year, if there be a demand.

4.—I do not consider incorporated companies any advantage generally to the community, nor at all necessary for the prosecution of the coal trade.

5th.—Individual coal dealers are injured by the long credits given by the companies. They not being individually responsible are not so particular as individuals.

6th.—The great object in getting incorporated is to dispose of the lands by selling it out in stock, which is much easier effected than by selling it per acre. The

citizens are liable to be defrauded by the value of those operations being exaggerated. A person wishing to sell out his laud and operations I would advise to get incorporated. He could distribute stock to those he could not sell coal land to.

7th.—As the coal trade has been heretofore, I consider eight thousand dollars active capital sufficient for ten thousand tons business annually.

8th.—I consider the mining and transportation of coal can be carried on cheaper by individuals than companies. Agents generally acting are not so economical as persons immediately interested. They also look to do a large business and make much more waste and wear and tear, than by individuals.

9th.—I consider the capital of individuals now operating in the coal trade, fully adequate to supply any actual demand there may be hereafter.

10th.—I believe the consumption of coal is increased by having a constant supply on hand, and I believe individuals are as likely to have it on hands as companies.

The 11th, 12th, and 13th queries, no information on the subjects.

Very respectfully,
JACOB SERRILL.

Philadelphia, Nov. 15, 1833.

No. 14.

Statements prepared by Col. KREBS, a member of the committee, and inserted at their request.

In the year 1831, coal was sold during the early part of summer, in Philadelphia, as low as \$4 50 per ton, delivered. In the fall and winter, it rose to eight and ten dollars. The same winter, coal sold in New York as high as from fourteen to sixteen dollars per ton. In the year 1832, the average price in Philadelphia was about \$6 50 per ton, and in New York at about \$8 50 per ton. During the present year, coal has been sold in Philadelphia by the boat or cargo, at \$4 00 to \$4 25 per ton. The average price in New York, this year, has been about \$5 50 for Lackawanna. The average value of coal, delivered at Philadelphia, by the cargo or large quantity, may be stated at \$4 25 per ton, and in New York at about \$6 00, the difference being the cost of freight between the two places.

The boats now built, carry about 45 tons, and perform a trip to Philadelphia and back in ten or twelve days. The usual rate of wages paid to miners, is from six to seven dollars per week.

The cost of mining coal seems to be very similar in all the coal districts; coal rent or coal leases vary from 25 to 40 cents per ton, according to the goodness of the bed, the quality of the coal and convenience to the navigation. Two dollars per ton may be taken as about the average price of coal delivered into boats at the Pottsville landings; from thence to Philadelphia, the usual freight is about \$1 25, and the toll one dollar. The price of coal at Pottsville, and the canal freights to Philadelphia, have each been much higher and sometimes lower than the sum stated, but these it is believed are fair remunerating prices. This makes the coal at Philadelphia, cost \$4 25 per ton.

The operation of getting coal consists of mining or quarrying the coal in the mine; the coal is then broken into a size convenient for handling—then placed in the gangway, and is then hauled out to the bank, where it is screened and cleaned, and reloaded into the rail road wagons. These wagons are then sent down the main rail road to the landings at the navigation; and the coal let fall through the bottom into the canal boat.

It is estimated that the coal trade the present year has given employment to upwards of 6,000 miners, laborers and boatmen, besides the necessary complement of store keepers, mechanics, butchers, farmers, and market people to furnish provisions, build houses and boats, and repair them, &c. &c. If we state the value of coal when delivered at the sea board at an average

price of \$5 00 per ton, it will give the sum of \$2,500,000 as a capital created by the labor of those engaged in sending 500,000 tons of coal to market.

The coal trade of Great Britain now amounts to 15,000,000 of tons annually, and is very justly considered the most valuable source of wealth and industry of the most remarkably rich and productive empire. A large portion of the whole population of the kingdom is directly or indirectly engaged in or supported by it; her manufactures which furnish her people daily food, the rest with opulence and the government with revenue to an extent beyond example in ancient or modern times, could not exist or the nation itself endure, but for the abundant supply of cheap fuel. It can scarcely be imagined that the course of human events will bring the United States into a similar situation. But it may not be many years before the Atlantic States and the countries contiguous to the coal fields, will use proportionably as much coal as the people of England. Our people are as enterprising, as industrious, and as much disposed to manufacturing pursuits as the English. It is therefore presumable that the portion similarly circumstanced, will make a corresponding consumption of coal; and that this will follow upon the increase of population and the demand made for the article by the extension of manufactories.

It is computed upon the experience of Great Britain and other countries, that the consumption of fuel is fully equal to one ton of coal for each inhabitant; and that there are between three and four millions of persons in the United States residing within reach of our several coal districts, and who it is supposed will use the coal so soon as it can be furnished to them at reasonable rates; and that this may be expected to take place within a period of ten years from the present time, consequently the trade would then amount to from three to four millions of tons annually, and be worth from fifteen to twenty millions of dollars.

In a report respecting the coal trade of England, made by a committee of the House of Commons, in July, 1830, it is considered by the coal dealers of that country of such importance for the supply to be graduated by the demand, that they have established a regulation prescribing the precise quantity of coal which shall be furnished monthly by each coal owner, from the mines, included within the regulation.

The difference between a coal region worked by individual owners and one worked by an incorporated company, is, that in the former case the proprietors or coal owners with their families, together with the operatives and their families, become permanent residents of the district; those collect around them a population equal in extent to their own, of store keepers, mechanics, professional persons, and all the appliances of civilization, necessary to render society respectable and happy; the country is embellished and enriched and made capable of becoming the seat of commerce and manufactures, and of sustaining a large population independently of the coal trade.

In case of incorporated coal companies, they impoverish the country by draining it of its mineral treasures, and making no provision for its cultivation and improvement, as in the case of the companies just mentioned, they rarely furnish the district with a permanent resident; the miners, workmen and managers and superintendents are mere tenants at will from day to day, and know not the moment they may receive orders from the board of directors to leave the district.

The stockholders of a company cannot be expected in the nature of things to become residents of a coal region. They are understood generally to be large capitalists, who subscribe small amounts, or they are speculators in stock, either of which class would be out of their element in the coal district.

The profits of the business are therefore sent out of the region as dividends to be expended to enrich distant places, and perhaps foreign States.

The operation of incorporated coal companies with non-resident stockholders upon the improvement of the coal region, is similar to that charged upon the Irish absentee landlord—they impoverish the country by expending the revenues drawn from it in foreign places.

It is considered by experienced dealers in coal, that the coal business would be best divided into three or four distinct branches, viz: one party may be the owner of coal land, another may open and work the mines, a third may own boats and carry the coal to market, a fourth may be a factor or coal merchant, to which a fifth might perhaps be added, a shipping or foreign merchant. Such a division of the trade is said to be universally practised in England, and has been acted upon to some extent at the Schuylkill mines, with decided advantage. The miner would rent mines, open and work them, and sell his coal to the boatmen or boat owner at the landings; the boat owner would own as many boats as might suit his means; the merchant would do a large or small business according to his abilities; as in all other cases, &c. This division of the coal business would bring it within the means of the large mass of tradesmen of the country; it would lessen risks and losses, and by admitting the personal scrutiny of the proprietor, each department would be conducted with precision and economy; the merchant would regulate his purchase to the demands of the market, and all employed in the trade would regulate their operations accordingly.

(To be continued.)

REPORT ON THE SCHUYLKILL PERMANENT BRIDGE.

Report of the committee to whom were referred sundry petitions, praying that the Schuylkill Permanent Bridge should be made a free bridge.—By Mr. GOODMAN, County of Philadelphia. Read in the House of Representatives, April 8, 1834.

Mr Goodman from the committee to whom the petitions of citizens of this commonwealth were referred, praying that the Schuylkill Permanent Bridge should be made a free bridge, and the remonstrances thereto, Report:

That they have attentively considered the different memorials and remonstrances referred to them, relative to declaring the Schuylkill Permanent Bridge at Market street a free bridge, and would present the following as a brief view of the facts, connected with the proposed measure:

The president, directors, and company for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, were incorporated under an act of assembly, passed the 10th March, 1798.

On the 28th of March, 1800, the city of Philadelphia, conveyed to the bridge company the present site of the permanent bridge, with all its appurtenances and privileges, for which they received the sum of forty thousand dollars.

The bridge erected on this site, consisted of two abutments, two piers, and three arches. The first stone of the eastern pier was laid September 5, 1801, and of the western pier, December 25, 1802.

The bridge was declared open for passengers and transportation, on the 1st day of January, 1805, and the cover was begun and finished in the same year.

This bridge cost, including the purchase of the site, \$300,000.

The *coffer dams*, foundations, and other subaqueous works consumed a great proportion of the expenditures.

The capital stock of the company is \$195,650
The difference between that, and the actual cost of the bridge is 104,350

Whole cost, \$300,000

This difference of debt was liquidated, by applying the whole of the income of the company for several years to its payment. The effect of this was, that from the commencement of the bridge until the year 1812, inclusive, only two dividends, amounting together to five and a half per cent., were declared and paid to the stockholders, who had so meritoriously contributed their funds towards the erection of this great and public work, and that during the whole period of twenty-nine years, from the opening of the bridge on the 1st of January, 1805, they have received but \$5 56 26-29 per cent. on the capital stock of \$195,650, and if the preceding year, from 1800 to 1805, when the expenditures were made are added, it will decrease the rate of interest received still more.

There are two other bridges across the Schuylkill, below the Fairmount dam. The one commonly called the Upper Ferry bridge, consists of a single arch with two abutments, and leads into the district of Spring Garden. This bridge is owned by a company, incorporated under an act, passed the 28th March, 1811. The other the Gray's Ferry bridge is a floating bridge, and leads into the townships of Passyunk and Moyamensing, and is private property. These three bridges form the present direct modes of access from the country west of the Schuylkill into the city of Philadelphia, into the incorporated districts of Spring Garden, Northern Liberties, and Kensington on the north, and the incorporated townships of Moyamensing and Southwark on the south.

The memorials may be thus classed:

1. The memorial of the select and common council of the city of Philadelphia, transmitting the following resolutions:

1. Resolved by the select and common council, that it is expedient the Schuylkill Permanent Bridge be a free bridge.

2. Resolved by the authority aforesaid, that a memorial be transmitted to the Legislature of this State, requesting them to take the necessary measures for providing for the appointment of such number of disinterested persons as they may think proper to appraise the said bridge, and determine the value thereof, agreeably to the provisions of an act, entitled: "An act to authorize the Governor of this commonwealth to incorporate a company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, approved March 16th, 1798."

2. Memorials of citizens, which may be subdivided into three classes or sorts:

1. One praying for the appointment of commissioners to appraise the Market street Schuylkill Permanent Bridge, in strict accordance with the charter, in order that the parties who are interested may ascertain the sum to be paid, and adopt measures to make it as well as the Schuylkill Upper Bridge, free.

2. Another set concluding like the first, but leaving out the upper bridge.

3. Another set praying for the appointment of appraisers, in order that the friends of a free bridge may take means to raise funds for that purpose.

The remonstrances against the measure, consists of

1. The remonstrance of the commissioners of the incorporated township of Moyamensing.

2. The remonstrance of the commissioners of the district of Spring Garden.

3. The remonstrance of the commissioners of the district of the Northern Liberties.

4. The remonstrance of the president and directors of the Schuylkill Upper Bridge.

5. The remonstrance of the owners of the Gray's Ferry Bridge.

And of the memorials of citizens of the city and county of Philadelphia, which are of two kinds, the one of citizens of the city of Philadelphia, remonstrating against this bridge being made free at the expense of the city of Philadelphia; the other of citizens of the city and coun-

ty of Philadelphia, remonstrating against all or any of the three bridges being made free at the expense of the city, county, or districts, and accompanied by statements of the debts and taxation of the city, county, and districts, a synopsis of which is annexed to this report:

The joint committee of councils appointed to inquire into the expediency of making the Schuylkill Permanent Bridge at Market street a free bridge, in their report, made on the 6th March, 1832, use the following language:

"Your committee have selected that part of the report of the board of directors, with the view of showing what might be the probable expense of making the bridge free, from which it would appear, that if that mode of ascertaining the value of the bridge be adopted, which produces the smallest sum, [\$264,127 50,] and if the city were empowered by the act of Assembly, under which the bridge company hold their charter, to make it a free bridge, the sum required for that purpose would be too large to be taken from the funds of the city, in the present state of the finances."

"The ONLY MEANS which your committee are aware of for accomplishing this desirable object, is by a direct application to the State Legislature, requesting that body to take the necessary measures for making it a free bridge; and as the State has reserved this right, and there can be no doubt but that the Legislature who passed the act incorporating the company, intended the right should be exercised at the time therein mentioned your committee can see no IMPROPRIETY in councils adopting the following resolutions, which they recommend to their consideration."

These resolutions are the same which, with a slight change of phraseology, accompany the memorial presented by councils to the Legislature at the present session. It may, therefore, be safely assumed, that neither the city of Philadelphia, nor the county of Philadelphia, nor the districts of Spring Garden, Northern Liberties, Kensington and Southwark, nor the township of Moyamensing, can or will free, at their expense, the Permanent Bridge, the Upper Ferry, or Gray's Ferry Bridges.

The language of the memorials in favor of freeing the bridge, is certainly ambiguous in asking simply for a valuation and appraisement; but as the power of the Legislature depends on the words and meaning of the act of 16th March, 1798, it is necessary to consider what is the fair construction of that act, in order to see in what manner the prayer of the memorialists can be accomplished.

The 10th section of the act of the 16th March, 1798, provides "that when a good and complete bridge is erected over the said river Schuylkill, at or near the city of Philadelphia, at a place deemed most convenient, as hereinafter mentioned, the property of the said bridge shall be vested in the said president, directors and company, and their successors, during and unto the end of twenty-five years, to commence from the time when the bridge is completed." Then, after prescribing the rates of toll, which are exceedingly low, and "which are so regulated that no more than three-fourths of the toll demandable in other cases shall be taken for the transportation of the produce of the country, and for those laden with manure, half toll; empty carriages of burden to pass for half toll; and also prohibiting the erection of the bridge without the consent of the owners of the ground on each side of, and contiguous to the said river where the said bridge may be erected, the said section proceeds as follows:—"And when the said tolls shall exceed 15 per cent nett annual profit, the excess shall compose a fund for the redemption of the Bridge so as to render it free, save that there shall always be a small toll or other revenue for keeping it in repair; this excess shall be laid out in bridge stock or productive funds, and the dividends of annual product shall be also added to this fund; and all private donations for freeing

the bridge shall be received and invested in like manner; but if by the operation of the fund herein proposed, there shall be a sufficient sum to free the bridge at a period less than the said twenty-five years, then it shall be redeemed and become free on the stockholders being paid the appraised value thereof, and of the profits for the residue of the said term of twenty five years, which may then be unexpired;" "and if the said fund shall not be adequate to the purpose last mentioned, the Legislature may, at the expiration of the said twenty-five years, declare it a free bridge, (providing at the same time the means of keeping it in repair,) and the company shall be obliged to take such sum of money therefor as shall be allowed on a fair appraisement by indifferent persons;"—"the like appraisement shall take place when the sinking fund is adequate to the redemption of the bridge, and the establishment of a revenue, if a toll be thought not more eligible for keeping the bridge in repair; but if the said bridge shall not be redeemed and paid for as a free bridge before or at the expiration of the said term of twenty-five years, the said corporation may and shall continue to hold the same on the terms of this act beyond the said term, and until the same shall be redeemed and paid for in manner herein directed."

This section evidently contemplates three distinct periods for freeing this bridge. The first is before the expiration of the twenty-five years, from the completion of the bridge, and depended upon the formation of a fund to be composed of the excess of tolls above fifteen per cent, nett annual profits, and of private donations for freeing the bridge. If this fund should be sufficient at a period less than twenty five years, then it was to become free, on paying the stockholders the appraised value thereof, and of the profits thereof for the residue of the said term of twenty-five years.

No one of the events here contemplated has ever taken place, for the nett annual profits of toll has never reached any thing like the fifteen per cent specified, and no private donations have ever been received for freeing the bridge. There therefore, never has been such a fund as was contemplated by this part of the tenth section, and the Legislature of 1798, was entirely mistaken as to the rate of profit to be derived from this work.

The second is at the expiration of the twenty-five years, when the Legislature has the power to declare it a free bridge, providing at the same time the means of keeping it in repair, and providing also for the payment of such sum of money as shall be allowed for the said bridge, on a fair appraisement by indifferent persons; that is, by disinterested persons mutually selected by the parties.

All these are to be cotemporaneous, and the effect produced would be to make the Permanent bridge at Market street, a "free bridge," on which no toll could be levied, even for the purpose of keeping it in repair, which must be provided for from some other source.

If, therefore, the Legislature deem it expedient to use this part of the tenth section, they must make it a free bridge, that is, one on which no toll, however small, can be exacted. They must pay its value, and they must provide a fund, or means for keeping it in repair.

The third is—after the expiration of twenty-five years, when the sinking fund (that is the fund formed by the excess above fifteen per cent. nett annual profit, and by private donations,) is adequate to the redemption of the bridge and the establishment of a revenue, if a toll be not thought more eligible for keeping the bridge in repair.

Your committee are therefore of opinion, that the real question submitted to the Legislature under the provision of the act of 16th March, 1798, is, whether the state of Pennsylvania will declare this bridge a free bridge at their own expense, providing out of the state

treasury the sum required to pay for its appraised value and also such annual sum as may be necessary for keeping it in repair forever.

The State of Pennsylvania, on the 30th November, 1854, owed \$1,840,823 73½
 And on the 30th November, 1833, the same state owed (including the remainder of the loan per act of 16th February, 1828, not then paid into the treasury,) the sum of 21,527,786 32
 Showing an annual increase of debt, since 1824, of 2,187,440 28½
 And a total increase of debt, in the short space of nine years, of 19,686,962 58½

The completion and the necessary extension of the canals and rail roads of the state, the improvement of the interior by bridges and turnpikes, the support of colleges, academies, and other useful institutions, the improvement and enlargement of penitentiaries and prisons, and the establishment and maintenance of a general system of education, agreeably to the solemn injunction of the constitution will necessarily cause a corresponding increase of the state debt for several years to come.

If the state were to free the Schuylkill Permanent bridge at Market street, it would be obliged, in common justice to the populous districts of the county, to purchase and make free the Gray's ferry and Upper ferry bridges, both of which present very advantageous modes of access at present from the county on the west of the Schuylkill.

Your committee cannot of course estimate with accuracy the sum that would be required to accomplish their object, but assuming for the purpose of argument the original cost of the Market street bridge at its present value, the cost of freeing the three bridges may be thus stated:

The Schuylkill Permanent bridge will take to free it at its original cost	\$300,000 00
And the purchase of the two other bridges, say	300,000 00
	<u>\$600,000 00</u>

To be added to the debt of the state, besides ten thousand dollars or a greater sum annually to maintain and keep the three bridges in repair forever.

If these bridges are freed, then all the bridges and turnpike roads throughout the state are entitled to the same favour, and the state canals and rail roads instead of affording a revenue for their support, and creating a fund finally for the redemption of the immense state debt necessarily contracted for their erection, must be maintained, repaired, and extended, and the interest of our debt paid, by an increased direct taxation of every description of property, in order that those who use and profit by them may pass toll free.

Your committee therefore offer the following resolution.

Resolved, That the committee be discharged from the further consideration of the subject.

Statement of the debts and taxation of the city and county of Philadelphia and districts.

The County of Philadelphia.

The county of Philadelphia were indebted on the 1st of January, 1834, for loans	\$251,300 00
And for outstanding orders, claims and damages awarded	225,100 32
Making a total debt of	<u>\$476,400 32</u>

The taxes of the county, including the state tax, were for 1833, sixty cents in the hundred dollars on real es-

tate, being the maximum of taxation, which the inhabitants of the county would bear.

This per centage produced the sum of \$267,459 66

DISTRICTS.

The taxes are for 1833, and the debts are as they stood on the 1st of January, 1834.

District of Spring Garden.

Loans, permanent	140,000 00
Temporary	32,553 99
Total	<u>\$172,553 99</u>

TAXES.—Corporation, 80 cents; lamp and watch, 20 cents; county and state, 60 cents; poor 34 cents. Total—\$1 94 in the \$100.

District of the Northern Liberties.

Loans	\$137,000 00
TAXES.—Corporation, 60 cents; county and state, 60 cents; poor, 34 cents. Total—1 54 in the \$100.	

District of Kensington.

Debts about	\$70,000 00
TAXES.—Corporation, 75 cents; county and state, 60 cents; poor, 34 cents. Total—\$1 69 in the \$100.	

Incorporated Township of Moyamensing.

Loans, temporary and permanent	\$48,000 00
TAXES.—Poor, 40 cents; road, 40 cents; lamp and watch, 40 cents; pump, 25 cents; Schuylkill water, 20 cents; county and state, 60 cents. Total—\$2 25 on the \$100.	

District of Southwark.

Loans	\$130,000 00
TAXES.—Corporation, 60 cents; county and state, 60 cents; poor, 34 cents. Total—\$1 64 in the \$100.	

The City of Philadelphia.

The taxes for 1833 were, city, 75 cents; county and state, 60 cents; poor, 34 cents. Total—\$1 69 in the \$100, and these produced:

City	193,636 08
County and state	159,661 50
Poor	93,396 79

Making a total of \$446,688 37

Paid in direct taxation by the citizens of the city of Philadelphia, on their real estate—and the whole of this immense revenue (with the exception of the state tax one mill in the dollar, amounting to \$43,592 57,) was expended in the support of the government of the city and county, and of the corporation of the guardians of the poor.

The citizens of the city of Philadelphia have, however, besides this direct taxation, to contribute annually a very large sum in addition to the treasury of the State, from various sources. The following estimates are for 1833, and are taken either from the books of the county treasurer, or the Auditor General's report, and when the accounts of the city are mixed in with the rest of the county, so as not to be capable of separation, it is assumed, that under each head the city contributes two-thirds, and the rest of the county the remaining one-third.

The city of Philadelphia, therefore, paid into the State treasury for the year 1833,

For Tavern licenses	\$7,200 00
Tax on bank dividends	16,770 92
Duties on dealers in foreign merchandise	19,202 18
Collateral inheritances	64,184 90
Tax on personal property	12,261 65
Tax on offices	8,059 32
Tax on writs, &c.	3,574 62

\$131,253 59

To which add the above amount of taxation 446,688 37

And it gives the very large sum of \$577,941 96

Raised annually out of the city proper which consists of a population of a little more than eighty thousand souls, and living within the narrow compass of two square miles.

If the auction commissions and duties, which are almost entirely paid in the city of Philadelphia, were added to this sum, it would make another item of at least \$90,000.

But in addition to this immense load of taxation, the city suffers the pressure of a very heavy debt, which is composed of:

1. The debt of the city itself \$2,110,600

The annual interest of which is \$110,231.

2. Its proportion of the county debt of \$476,400 32, say 284,000

3. Its proportion of the funded debt of the guardians of the poor, of \$650,000, say 438,043

Making a grand total of real city debt, of \$2,832,643

If to the city taxes set forth as above, and amounting to (including the auction estimate of \$90,000) 667,941 96

We add the taxes of the incorporated districts which form the suburbs of the city, and may be taken at one-third of the city, (exclusive of auction) \$577,941 96, we have 192,647 32

\$860,589 28
Making an annual disbursement of nearly nine hundred thousand dollars for taxes, by a population of about 170,000 souls.

The aggregate of the permanent and floating debts of the city and liberties, may be stated thus: City proper 2,832,643
Incorporated districts and county of Philadelphia.

County of Philadelphia, (less city's proportion) 192,400

Spring Garden 172,553

N. Liberties 137,000

Kensington 70,000

Moyamensing 48,000

Southwark 130,000

749,953

\$3,582,596

Making an aggregate total of nearly four millions of dollars.

From the National Gazette.

PHENOMENON OF THE MOCK SUN.

PHILADELPHIA, April 12, 1834.

The interesting and somewhat rare phenomenon of the Mock Sun (parhelion) was witnessed yesterday afternoon in this city. The writer of this notice first observed this appearance, about half past four o'clock, whilst walking up Chestnut street in company with a friend. It continued to be visible until 6 o'clock, and would probably have accompanied the sun to his setting but for the gathering haziness in the west.

The following is a description of the appearances it presented. The sun was surrounded by a halo, dimly colored like a rainbow on the inner margin. On the north and south sides of the halo or circle, and a few degrees below the level of the sun, were the two mock suns, appearing each like a small illuminated cloud, of rather indistinct outline, but of several times the size of the true sun, having a silvery lustre, and with a bright tapering beam or tail, stretching outwards from the circle and slightly inclining upwards. That on the north or right side of the sun, was longest and brightest, stretch-

ing to a distance equal nearly to that of the mock suns from the true sun or the radius of the halo. That on the south or left side, was shorter and less brilliant, and inclined more upwards. Both of the mock suns presented occasionally the rainbow tints of the halo, but more brightly. A short and rather faint band of light was seen extending from the sun on either side towards the mock suns, fading away, however, entirely before reaching them.

The distance of each parhelion from the sun as measured by a sextant, was 23 degrees, making the diameter of the halo 46 degrees, being nearly the dimensions of the ordinary solar halo. No inverted arch and third parhelion were visible at the summit of the halo, though these are described by former observers as commonly accompanying this phenomenon. Neither were any other rings or halos observed crossing or intersecting the one described, though according to the common theory of the production of mock suns, such additional intersecting halos ought to have been seen.

The peculiarities which appear to distinguish this case of mock suns from those described by former observers in our books, are, first, the absence of all secondary touching or intersecting circles; secondly, the position of the mock suns below the level of the true sun, while at the same time, if theory were true, from the upward inclination of the tails, their position should be rather above that of the sun; and thirdly, we may add, the luminous band extending through the true sun towards either mock sun.

One feature which this case exhibited in common with several of the most remarkable on record, was the singular and unexplained superior brilliancy of the right or northern parhelion.

Among the various instances of mock suns recorded, the following observed by Henelius, the Astronomer, on the 6th April, 1660, bears the nearest resemblance to what we have described:—

“At half an hour past five in the evening, while the sun was descending, he was crowned with arches of circles of various colors like the rainbow.—In the corona on the opposite side of the sun there were two parhelia variously coloured, with pretty long and whitish tails, pointing from the Sun. Near the zenith, where the corona (halo) was a little faint and imperfect, there shone out an inverted arch having a third parhelion in the middle of it, which appeared somewhat obscure.

The phenomenon lasted half an hour (till sunset) the sun being very clear. The inverted arch, and the upper parhelion disappeared first, and then the parhelion on the left hand, but the third or right parhelion set with the true sun. The diameter of the corona round about the sun, was about 45 degrees, as I guessed by my eye.”

As these appearances have been thought to proceed from a peculiar state of the atmosphere, it may be well to mention, that the sky was spread over with a very thin fleecy cloud of the kind called *cirrus*, at a great height, moving gently from the north west,—while below the wind set lightly from the east.

HENRY D. ROGERS.

PUBLIC MEETING

At a large and respectable meeting of the Democratic and other citizens of the city and county of Philadelphia, opposed to the usurpations of Andrew Jackson, convened agreeable to public notice at the Musical Fund Hall, on Tuesday afternoon the 15th inst.

JOHN SERGEANT, was appointed President.

WESTON C. DONALDSON, JOSEPH SMITH, Vice Presidents.

Joseph W. Ryers, J. W. Wynkoop, Secretaries.

Mr. Sergeant opened the meeting with an eloquent address; when he had concluded the Hon. W. C. Preston, came forward in compliance with the call of the meeting, and made an address which was responded to by hearty acclamation. The Hon. Geo. M'Duffie, was then called for, and the meeting listened with gratifica-

tion to his eloquent denunciation of tyranny, and his apt and instructive illustrations of those causes which had wrought the evils upon the nation, which the people are now about to remedy.

Josiah Randall then presented the subjoined resolutions with a few preparatory remarks. The resolutions were unanimously adopted.

1. Resolved, That we heartily rejoice at the triumph of the principles of constitutional freedom in the recent decisive contest in New York.

2. Resolved, That we regard with admiration and gratitude the heroic efforts of our Whig brethren of New York, in that great contest, by which they have achieved a victory for the constitution and the rights of the citizens over the combined forces of the office-holders of the United States, the office-holders of the State, the office-holders of the city, and all the immense means of corruption, fraud and intimidation they so amply possessed, and in cases so unsparingly employed; and by which too they have established, as a living truth, that the ~~rule~~ ^{rule} and the sword, the treasury and the bludgeon, illegal voters and mercenary ruffians united, and directed with deliberation against the freedom of elections and the lives of the citizens, cannot resist the virtuous determination of freemen who know their rights and knowing them are firmly resolved to maintain them.

3. Resolved, That in achieving this signal victory, against such fearful odds, at the very point where the power of the oppressor seemed to be most securely planted by majorities, heretofore of thousands, our Whig brethren of New York have furnished a sublime example of perseverance, courage and magnanimous devotion in a good cause, which will make the election of 1834 an historic event, and proves them to be the true descendants of the Whigs of '76.

4. Resolved, That we cannot sufficiently express our abhorrence of the system of lawless violence and outrage, even to the shedding of blood, adopted by the friends of Gen. Jackson, to deter the aged, infirm and timid from going to the polls, and to wreak their vengeance upon those who did not vote according to their wishes, as contrary to the constitution, destructive of the principles of free government, and worthy only of those despotic governments, in which the arbitrary will of one man is the sole law, to govern men's consciences, opinions, conduct property and lives.

5. Resolved, That in this victory and the flood of triumphant light flowing in from the east, and from all parts of the State of New York, as well as from the south, we perceive the sure evidence that the spell of delusion is broken, and that the republican spirit has rallied with irresistible energy, to scatter the fragments of the routed hosts, who have been endeavoring, by denunciation and proscription to hide their own enormities, and by distressing the peaceable and industrious, to enhance their own spoils.

6. Resolved, That we sincerely thank our Whig brethren in New York, for their exertions and their sacrifices; we congratulate them upon their triumph; and we believe we can truly assure them, that the same spirit of regeneration which has nerved their hearts is abroad, not only in the city and county of Philadelphia, but throughout the whole State of Pennsylvania, and will be invigorated in its progress by the glorious example of the Whigs of New York.

7. Resolved, That in commemoration of the glorious triumph which has been achieved in New York, the friends of the Constitution and the Law, opposed to executive usurpation, and to the establishment of a system of feudal vassalage for the purpose of dividing the spoils among servile adherents, are invited to attend a public festival, on Saturday next; at one o'clock, at Powelton.

8. Resolved, That a committee be appointed to convey to the Whigs of New York, a copy of the foregoing resolution, and to invite them to attend the festival.

9. Resolved, That a committee of one hundred of our

fellow citizens be appointed to make arrangements for the festival at Powelton.

10. Resolved, That the recent elections demonstrate conclusively that the Senate of the United States, at all times an invaluable part of the constitution, is now in a peculiar manner, the real representative of the opinions and feelings of the people of the United States, and the secure refuge of constitutional liberty, where it must be protected and preserved, until the opportunity of recurring to the ballot boxes shall make the free citizens to speak the language of authority, and vindicate themselves and their rights from the insults they have received, when addressed in respectful terms of memorial.

11. Resolved, That we rejoice sincerely, that in this crisis of the constitution, a majority of the Senators of the United States have proved themselves fully equal to the demand upon their patriotism, firmness, and talents; and have entitled themselves to the lasting gratitude of their country; we heartily approve of their conduct, and trust they will persevere in exercising their full authority under the constitution, until the revolution in public opinion now in progress, shall be consummated.

Resolved, That this meeting approve of the proceedings of the Democratic Meeting of the Legislature of Pennsylvania, opposed to executive usurpation, and that the delegates recently chosen, and those who may be elected in the several wards and districts, in the city and county of Philadelphia, be, and they are hereby respectfully authorised to elect the additional number of delegates, proposed to be sent to the convention to be held at Harrisburg, on the 27th of May, next.

Resolved, That the thanks of this meeting be presented to Messrs. Preston and McDuffie, for their patriotic addresses this afternoon, and that in the good cause in which they have embarked, we emphatically, say "GO AHEAD."

The following is the committee authorised by the 8th resolution:

John Sergeant, M. Carey, A. Cook, C. Tiers, J. Randolph, D. Groves, Wm. Wagner, Wm. Fittler, J. Hare Powell, J. Price Wetherill, Henry White, Thomas Roach, N. C. Foster.

The following named gentlemen compose the Committee of Arrangement under the ninth resolution:

J. S. Riddle, John Hare Howell, George W. Jones, A. M. Jones, N. C. Foster, John Scholfield, Robert Howell, W. T. Smith, John Thomsen, T. R. Newbold, Gideon Scull, Henry White, C. Cope, Jos. Cabot, David Winebrenner, J. W. Wynkoop, W. C. Donaldson, J. W. Flickwir, Benj. Duncan, Robt. Ritchie, Peter Parker, Bela Badger, J. D. Goodwin, Thos. S. Richards, Jos. Dulles, Edmund B. Minsell, Jas. Hanna, Hugh Hollingshead, David Woelpper, John Waters, Joseph Smith, John B. Myers, Jacob B. Lancaster, Henry Pennington, Jos S. Ryerss, A. C. Barclay, Samuel Grant, Sampson Tams, John Welsh, jr. Samuel Norris, jr., John Reed, jr., J. C. Biddle, Thomas Roach, W. B. Reed, Samuel Rush, John Savage, jr., Thomas W. Morris, C. W. Morris, Robert Burton, Thomas Patterson, Wm. Hughs, jr., Cornelius Tiers, Arundius Tiers, Dennis Swency, Robert Bethell, Peter Woods, John Struthers, Geo. W. Toland, David E. Wilson, Josiah Randall, Thomas M. Coffin, Andrew Donaldson, James Maxwell, Henry Flickwir, Peter Williamson, Wm. Robb, Thos. K. Tress, Daniel Green, Daniel Groves, Alex. Cook, John L. Ferguson, John M. Ogden, Adam Woelpper, Wm. Fittler, Charles Whartoft, jr., Robert M. Lewis, George P. Little, J. R. Bolton, Joseph S. Lewis, jr., Joseph Huddell, T. M. Hubbell, J. B. McKeever, George West, Alex. Hodgson, Thomas Hays, Wm. Jackson, J. M. Taylor, Robert Toland, John Siter, Benj. Tevis, W. B. Dick, Charles Robinson, Jesse Williamson.

JOHN SERGEANT, President.

W. C. DONALDSON, } Vice Presidents.

JOSEPH SMITH, }

J. W. Ryerss, } Secretaries.

L. W. Wynkoop, }

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 17. PHILADELPHIA, APRIL 26, 1834. NO. 329.

REPORT ON THE COAL TRADE.

APPENDIX.

(Continued from page 252.)

No. 15.

ANSWERS OF JOHN WHITE, ESQ.

The undersigned respectfully makes the following answers to the "Queries submitted to the coal dealers of Schuylkill county by the committee appointed by the Senate of Pennsylvania to investigate the state of the Coal trade, &c.

1st Query.—"How long have you been engaged in the Coal trade, and do you operate under a charter or in your private capacity? State generally the extent of your operations, with such particulars as you may deem pertinent to the inquiry before the committee."

To the 1st Query.—I became interested in coal lands in Schuylkill county, about twelve years ago. On the 10th April, 1822, seven other citizens of Pennsylvania and myself, (who had previously selected and purchased several tracts of coal lands with a view of conducting the business) entered into articles of association, by which each of us agreed to advance certain proportions of a capital stock, to be expended in the purchase of coal lands and mines in Schuylkill county, and in procuring the necessary tools, implements and machinery to work the said mines and for buildings, and procuring the houses, boats and other things, necessary to prosecute the business of mining and transporting the coal to market." We brought some coal down the river in arks before the improvements of the Schuylkill navigation company were completed, and lost several thousand dollars in that and (to us) other unprofitable experiments and operations.

Finding by experience, that a business of that kind could not be safely or satisfactorily conducted by such an association, it was dissolved in 1826, the lands were sold at public sale, and the business closed at a loss. I increased my interest in the lands by purchasing in company with others, at the sale, a selected portion of them. With a view of having the mining business conducted on a much more extensive scale than it had been, and of introducing any improved method practised by the best miners in England, my new partners and myself furnished to a person who went to England for that purpose, about 1000 dollars to pay the passage and expenses of miners, who had been brought up to that business. They arrived early in the year 1827, and under an agreement that they would repay the advances we had made by a weekly per centage from their pay until the amount was refunded. We, however, had no benefit from the importation (except in common with the other land holders in the region) as some broke their agreements and deserted, and the others were dismissed for disorderly conduct, &c. We lost nearly the whole cost of importing them. But their practical knowledge of mining, and that of many others who were induced to follow on their own account, (from seeing that miners were in such demand in this country) were of great service in introducing most of the subsequent improvements in the business. Previous to this period the coal and water were raised in

buckets with a windlass, by perpendicular shafts sunk on the vein. Raising it by horse gins and inclined planes, laid on the bottom slate, was first introduced about this time. Soon after, the English miners introduced the method of mining by drifts, driven horizontally from the water level into the coal veins; the great advantage of which improved plan the committee saw for themselves in their visit last summer. We expended considerable sums of money in 1827 and 1828, in erecting buildings, opening mines, and making other improvements, but did not get more than about three thousand tons of coal to market on our own account. We rented some of the mines, but soon found we could collect but a very small proportion of the stipulated rent. Having much increased my investments in Schuylkill property by purchase in the winter of 1828, with a view to a more certain and a more extensive prosecution of the coal business, and encouraged by the favourable notice taken in the report, made by the committee of internal improvement and adopted by our Legislature, of the incorporation of a coal company by the state of Delaware [see Journal of the House of Representatives, 1828-29, vol. 2, page 669,] myself and others were induced to become the holders of the stock of that company, and to contribute very largely to the commencement and construction of the Mount Carbon rail road, the course of which as directed by the act just then passed, extended through the lands to which we applied the charter. That road was completed for use in the year 1831, and saves at least fifty cents per ton of the expense of transporting all the coal on it to the boats. In 1831, and the 2 previous years, we had also expended large sums of money in erecting buildings, constructing boats, driving drifts and tunnels, and making other improvements preparatory to our intended regular and extensive prosecution of the coal business; but we had mined and brought to market in that time but about sixteen thousand tons of coal, most of which was shipped coastwise, and disposed of in other markets, to introduce it into use, and to establish and sustain its character, some of it at a heavy loss, in competition with the coal imported from England and Nova Scotia.—And, although this foreign coal is still imported in large quantities, I have no doubt, but that the superior bituminous and anthracite coal of this state, will in a few years, if mined and brought to market in sufficient quantities, supersede it. The coal wharves erected by the Delaware Coal company at the mines, along side of the Mount Carbon rail road, together with the company's wharves at Mount Carbon, measure about two thousand feet long. The lateral mine wharf and coal bank rail roads are about five thousand feet long, besides the rail roads, laid in the drifts, and tunnels under ground, all which together, are upwards of two miles in length. In the year 1832, the quantity of coal mined and brought to market by the Delaware Coal company, amounted to twenty thousand, two hundred and twenty-five tons, of which, fifteen thousand seven hundred and twenty-four tons were sold and shipped in one hundred and sixty-nine vessels; the coastwise freight paid on it, amounted to upwards of thirty thousand dollars. In the year 1833, the quantity amounted to twenty-three thousand five hundred and fifty-four tons, of which eighteen thousand six hundred and eighty-seven tons were sold and shipped in one hundred and fifty-five vessels, the

coastwise freight paid on it, amounted to upwards of thirty-two thousand dollars. A statement of the business of the company for eleven months of the past year, and a general statement of its affairs on the 30th November last, are contained in a report made to the Legislature at the present session in conformity to the acts of incorporation, copies of which, with the report of an experienced and competent mine engineer and underground surveyor, of the state of the company's mines are herewith submitted as a part of my answer to the inquiries of the committee.

From these documents, it will be seen that Mr. Wilde estimates the quantity of coal which may be brought to market, (making ample allowance for loss,) from the company's mines now opened and ready for working above the water level, between the two branches of the Mount Carbon rail road, to be two millions three hundred and forty thousand one hundred and seventy-three tons; and as all the mines of the company lying between those roads are not yet opened and the company own a large quantity of land in the same coal range, beyond the "two branches," it may fairly be presumed they may take at least as much more coal from above the water level, in their mines yet to be opened.

The general statement of the affairs of the company, on the 30th November, exhibits the following:

Real Estate.

Coal lands, wharves and warehouses at Mount Carbon,	\$180,533 27
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Personal Estate.

Cash on hand	\$4,637 53
Coal at Philadelphia	11,329 50
Thirty-six canal boats	9,728 16
Rail road and mine wagons, and other articles of personal property necessary to be used in the business	12,338 75
Balance of accounts in favour of the company	38,401 18
	76,435 12
Together amounting to	\$256,968 39
The debts of the company, including loan certificates payable in 1837 or 1842, (at the option of the holders,) together amount to	78,903 03
The amount of capital stock actually paid in	149,750 00
	228,653 03

Leaving a surplus to the credit of profit and loss of \$28,315 36 after charging to that account the whole amount expended in driving drifts, tunnels, &c. in the years of 1832 and 1833. Out of this surplus a dividend of six per cent. amounting to \$8,985, has since been declared.

The value of lands in every coal region varies very much, and in none more than in Schuylkill county, where, in addition to its being influenced by the location, much depends upon the quality of the coal, the expense of mining and transporting it to the canal, and the quantity that can be taken from above the water level, without much expense, by drifts and tunnels. The Delaware Coal company, having been organized under a charter from another state, did not consider it safe to hold the fee simple title to lands in Pennsylvania. The purchaser of the lands gave mortgages which were assigned to the company. Since the act of incorporation by Pennsylvania, the fee simple title to the lands has been made to the company. It now owns about one thousand acres of land, all coal lands. Its location, and the quali-

ty of the coal, are at least equal to any other in the country. These lands have drifts opened, capable of yielding annually (when the demand shall at a future day justify it) one hundred thousand tons per annum. The lands, landings and warehouses were not purchased until particularly examined by a very intelligent committee of the stockholders.

The company, within the past year, has purchased one half of a tract of which they before owned the other half, (which has always been estimated as of less value than their other lands,) at \$200 per acre. Another tract, adjoining, within the same period, has been purchased by two very intelligent gentlemen, one of them residing at Pottsville, at \$250 per acre; and very recently, about eleven acres, also adjoining, (commanding the water level, but on which the coal above had nearly been exhausted) have also been purchased by these same gentlemen, for upwards of 3,000 dollars. By the statement of the business of the company in 1833, it will be seen that the depreciation in value, by use, &c. of rail road and mine wagons, horses, mining tools, &c. used in the business, had in eleven months amounted to one thousand three hundred and sixty-eight dollars and thirty-six cents, or nearly six cents per ton on the quantity of coal transported from the mines to the boats. A very capable, careful and faithful manager, a short haul over a good rail road and the best arrangements for loading and unloading the coal, are all necessary to do the work at so small an expense of wear and tear. No allowance was made for depreciation in the value of the company's coal boats, as most of them had very recently been purchased at a low cash valuation by three very competent judges of such property. The others had been built during the year, and were credited for freight on the coal they had brought down at the current rate. The wear and tear and cost of building new, and repairing, coal boats may be estimated at least at twenty-five per cent. per annum, of the amount of capital invested in them.

2d Query.—"State as nearly as you can recollect, the number of principal and lateral rail roads in Schuylkill Coal Region—the extent of miles—what portion of them made by incorporated companies having mining privileges—what portion by individuals—what portion by companies not having mining privileges—when made and their respective cost?"

To the 2d.—I do not know the number of lateral rail roads in the region. Most of them have been made by the owners, and for the exclusive use of the mines to which they are carried. The principal rail roads have all been made by incorporated companies; they are

The Schuylkill valley rail road about	10 miles long.
The Mill Creek do.	4 do.
The Schuylkill Haven and Mine Hill	17 do.
The Mount Carbon, Danville and Pottsville	18 do.
The Little Schuylkill	20 do.

The construction of all of them together has cost nearly a million of dollars, more than three fifths of which has been paid by the stockholders of incorporated coal companies. The other subscriptions form a very small proportion of the aggregate cost, it having been made up principally by loans on mortgages of the roads and unliquidated debt, most of which is held in Philadelphia. The Danville and Pottsville rail road company, and the Little Schuylkill company, both have mining privileges. A very large proportion of the whole amount of the cost of the Mount Carbon rail road was contributed and raised by those largely interested in incorporated companies, having mining privileges, and the Schuylkill Haven and Mine Hill rail road company was projected, and a large proportion of the original subscription of stock to that road was made by the New York and Schuylkill Coal company.

3d query.—“Have the mines now opened, and the rail roads and other improvements now completed in the region, been worked and occupied during the present season to the extent of their capacity? If not, what amount of coal in your opinion are they capable of sending to market yearly.”

To the 3d.—The mines now opened and the rail roads and other improvements now completed in the Schuylkill coal region have not been worked and occupied during the last season to the extent of their capacity. This was the case with the mines of the Delaware coal company and the rail roads it uses. More than one half of its mines which had been opened and prepared for mining were not worked at all, such also has been the case at many other collieries in the region. It was estimated about a year ago by the mining association of Schuylkill county that it would require all the drifts to be put in order and worked vigorously during the past season to produce two hundred and seventy thousand tons of coal. The quantity actually mined and shipped was two hundred and fifty thousand five hundred and eighty-eight tons. I believed then as I now do, that much more than they estimated might have been mined if the drifts had all been put in order and worked vigorously. I do not consider myself competent to estimate the quantity of coal they are capable of sending to market yearly. The quantity of coal which even the most experienced miners may estimate can be taken in a given time from a drift or vein of coal with which they are well acquainted, is not generally to be relied on. It is liable to be influenced by contingencies which none can foresee and which frequently totally disappoint their most confident calculations. I do not believe there is an individual in the region who has such knowledge of the different coal veins opened as would enable him with any pretensions to accuracy to make an estimate that could at all be relied on, of the quantity that could be mined and brought to market from them yearly. The rail roads are capable, (if kept in good order,) of passing a larger quantity than the canal could give vent to. I have estimated the capacity of the canal after the locks are doubled and some other improvements made, if good boats are employed and proper regulations adopted, as being at least equal to the transportation of a million of tons per annum.

4th Query.—“From your knowledge and experience in the coal business, do you consider the incorporation of companies necessary to its successful prosecution?”

5th Query.—“How are individual coal dealers affected by the acts and operations of incorporated coal companies, and what effect if any has been produced by the extension of time and charters granted to certain companies by the last legislature?”

6th Query.—“What do you consider to be the effects of incorporated companies upon the general prosperity of the country and wherein does a population or community growing up under such companies differ from that created by individual operators?”

7th Query.—“In the present state of improvements in the coal region, what amount of capital is requisite to a proper and successful prosecution of the coal business?”

8th Query.—“Can the mining and transportation of coal be carried on as economically by individuals as by incorporated companies?”

To the Queries 4, 5, 6, 7 and 8.—“From my knowledge and experience in the coal business, I do consider the employment of large capitals, at least by a portion of those engaged in it, necessary to promote the best interest of all parties, both producers and consumers.—I mean capital beyond that which may be invested in lands, rail road wagons, canal boats, &c. &c. Whether that capital is brought into the business by incorporated companies, (having no other privileges than those granted by the Legislature to the four companies incorporated at its last session,) or by individuals, can make no

other difference to the community than this:—In companies, many individuals (as the extensive manufactories of New England) may unite their comparatively small means, and each participate in the advantages, if there be any to them, of jointly making up the large capital wanted, and thus prevent the business from falling into the hands of a few large and wealthy capitalists. But the fact is indisputable, that although several large capitalists have purchased coal lands on speculation, and some with the expectation of obtaining large incomes from them in rents, few of them have been willing to expend much capital, even in opening their coal veins and preparing them for working. None have yet been willing to risk the capital requisite to carry on the business, on their own individual account, to any considerable extent.

No individual coal dealer has been injuriously affected by the extension of time and charters granted to certain companies, by the last Legislature. It is confidently believed the interest of individual dealers, as well as the public at large, will be benefited by those acts.

The Delaware coal company have sent all the coal they mined down the canal, and sold and shipped a large proportion of it to other markets. Their coal has all been of such quality, and brought to market in such order, as to raise the character of Schuylkill coal, and increase the demand for it in other markets. They have refused to submit to any reduction, during the season, from the prices fixed at its commencement. It is not complained of, by them, that individuals have, during the whole season, undersold them. They had a right to do so, and could afford it, if, as is generally conceded, the business can be carried on more economically by individuals than by incorporated companies. That no injurious effect has been produced by the operations of incorporated companies in the Schuylkill region, may be considered as at least admitted if not proved, by the “reports of the board of trade, to the mining association of Schuylkill county,” composed exclusively of master colliers and those connected with mining, “whose object and duty, by their constitution, it is to protect and promote the interests of its members, and who would most undoubtedly have made it a prominent part of their report if they had thought the companies recognized by the Legislature last winter had injuriously affected the interests of ‘master colliers and those connected with mining.’” If the mines belonging to the companies had been divided among many individuals, they probably would have had a much larger quantity taken out, and the coal sold at the landings, or forced off in the Philadelphia market, which possibly would have operated to their own injury, and most probably to the injury of others engaged in the same business, and eventually also to the injury of the public, by reducing the prices so low as to drive out of the business all those engaged in working mines, whose locations were not so favorable or advantageous.

The companies have been of service to the mining interests on the Schuylkill, by keeping in constant employment a larger number of miners than would have been employed by individuals in mining the same quantity of coal, and in the prompt payments they have uniformly made to the large number of miners, labourers and boatmen in their employ.

The effects that will be produced by the incorporations granted to the two companies on the Susquehanna, will, without doubt, also be very beneficial to the State, and particularly to the region in which they are located, by introducing capital for the employment of labor, and by introducing into use the inexhaustible quantities of superior bituminous coal of that region—an article indispensable in many branches of the arts, and for which the United States have annually imported very large quantities from England and the mines of Nova Scotia.

The effect of incorporated companies, strictly limited in their objects, and under proper responsibility for the security of the public, has been found highly favorable

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
M. Eyre									80	80
H. Ervin									68	68
Capt. Eyre									26	26
W. M. Franklin							4153	4842	3264	12,259
M. Faust	23									23
W. & S. Fix			21		34					183
Fricker & Wharton			20					128		20
J. Fithian					99					99
B. Frick					40					40
G. & L. Fox					35					35
G. Fitzwalter					29		44	99		178
John C. Flanigan						122				29
Capt. Fey					29			49		171
Faustermaker					50					29
Fleysher					54					50
Capt. Foster					23		102	25		181
" Finch					28					23
P. Foust					30					28
Jabez Fisher					69					30
C. B. & S. Fisher					54		77			69
S. Foresman					20					131
Forney										20
Fidler							40			40
Capt. Field							25			25
Felterwell					15					60
Freehooper					97			60	334	409
Ferney							66			97
Flemming							40		39	66
J. H. Fisher							71			79
Force								161		71
Fritz								24		161
Capt. Frell									184	24
Frey									128	184
F. Freehoof									40	128
Faustermaker	25									40
S. George	23	25		40			49			25
H. Glanding		64			705		55		28	40
S. & J. Griffen			21		24					97
S. Gristock				35	72			15		832
D. C. Golden				18		14				60
S. Grim					16					107
Geiseinheimer					18					32
Capt. Gosling						55				16
T. W. Gardner						68	15			18
Capt. Gaskin						67				55
" Gutwaltz						33	31	26		83
Graves & Epting, &										93
J. F. Graves										64
Capt. Goodfellow						141	734	1031	2594	4500
George Guest						16	139	257	131	543
J. Graff						100			134	234
S. Grubb							164			164
P. Goodman							230	64		294
H. Garnet							20	34		54
Gustheit							15	32	31	78
Grove & Lotz							20			20
Green							257	135	75	467
Grundon							66			66
Griscom								106		106
Gilmore								28	80	108
S. Graff								55		55
M. Gonagle								128		128
D. Gibson								32	50	82
Capt. Goller									133	133
Garber										56
Grilley									28	28
Griffen									25	25
Glenn									54	54
Godfrew									141	141
Gouge									45	45
Jennings			20						49	49
H. C. Jones					38	51				20
M. Isenprice					36			54		143
Caleb Johnson							26			62
							220	213		433

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
Jones & Keim						146				146
Capt. Jackson						63			126	189
Capt. Johnson						341				341
J. Jacobs							800	760	436	2016
Thos. Jones							71	106	214	391
Capt. Judy									25	25
D. R. Jacobs									592	592
John Hann		23	883							906
J. Haumer		18								18
Jos. Hesman			60							60
D. Hawks			20							141
F. S. Hubley				104		34		30		168
John Hanley				57	230	113			40	472
F. S. & J. Haas				24		69		84	1286	1560
Jos. Haines				27		3436	3992	7940		15,395
J. Heffner				33						33
Hudson				53		24	49		83	209
Huntzinger				22	50	84		22	117	356
Hartzog					146	15	46			146
E. B. Hubley					145					145
G. Hoops					73					73
Hardy					20					20
T. Hendrick					26	79	87		43	235
L. Horning						475				475
John F. Hollerman						202	70	28		300
C. Hickley						60				60
Capt. Hoover						42				42
" High						13	46	179	46	284
" Heyser						32				32
" Holstein						28				28
" Haverstick						25				25
C. Humphreys						143				143
S. Hamilton						23				23
G. Hummell						60			49	109
A. Hand							14		24	38
Capt. Hoyer							45	109	54	208
H. Hull							30	31		61
Howser							20			20
C. Henry							30			30
E. Hughes							40			40
Capt. Hann							34			34
Hertin							41			41
Heilner & Bast							94	4797	6212	11,103
Hughes & Potts, C.										
Potts & J. Hughes								1345	1975	3,320
D. Howe								78	33	111
Hosmer								121	102	223
Haight								30		30
Hunser								56		56
Hepenheimer								84	133	217
Hyatt								88		88
Hodgson & Co.									7482	7482
G. C. Hale									204	204
J. & W. Hazard									42	42
Capt. Hoff									40	40
" Horning									47	47
" Houghenbock									53	53
" Hoffman									166	166
Hyfer									28	28
Hooker									44	44
Heebner									42	42
Hern									48	48
Howard									48	48
C. Hill									1876	1876
C. Kauffman		23	233	76						332
G. D. B. Keim			36							36
D. & J. Kolp			169	44	149	128	54	55		717
J. Kemmell			30				20		28	78
Kimber & Stetler			35							35
J. & D. Kern			44				20			64
Peter Kerns				80		22		259	551	1007
T. Keyser					120	95			30	160
Keim & Drinkle					26	86				112

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total- tons.
Peter Kruse,				27			161			188
Kinsing & Hill,					30			149		179
Capt. J. Kinsey,						55				55
S. & J. King,						32	98	34	178	342
Kenneday,						59	100	61	186	400
Jacob Kline,						16			102	118
J. Kantner,						78	197	184	64	523
Capt. Konklin,						24				24
Capt. Kirklin,						18	49		142	209
Capt. Kreemer,							26			26
Capt. Kooker,							25			25
Capt. Karsner,							140	44		184
Capt. Kalker,							50			50
J. Knight,								74		74
Koons,								30		30
J. C. Kinnan,								69		69
Kromie,								38		38
Kingler,								27		27
Kepner,									104	104
Kraul,									117	117
Kay,									25	25
Keim & Davies,		62								62
W. Lyons,								461		461
Lawson,									45	45
Llewellen,									40	40
Lineback,									84	84
Lebbs,									90	90
Long,									45	45
Little Schuylkill Co.								13855	37506	51361
Wm. Lawton,				138	177	98		1170	178	1761
Jas. Lang,	224	389	456	855	899	179	71	100		5173
C. B. Leinhardt.				14				76		90
F. Leiser,				18						18
Jas. Love,				115					58	173
T. Lusk,				151	97				114	362
W. C. Lavensworth,					115					115
H. Lotz,					47		17			64
J. Langdon,					28				90	118
Jas. Lee,					23	138	114		132	407
B. Leaser,					18					18
J. Lyon & Birge, Wilde & Co.						3609				3609
George Lyon,					177	364		134		675
Capt. Landis,					32					32
D. & M. Lewis,					54	56		49		159
Capt. Longnecker,					14					14
Capt. Leatherby,					14					14
Capt. Loungoap,					26					26
Capt. Leonard,					37					37
James Lyons,							118		150	268
D. Light,							15			15
Longacre,							18			18
Leopold,							13	30		43
J. Lemmon,							58			58
Longam,							54	35		89
Levy & Hart,								3577	1823	5400
Lyon Davis & Co.								2219	371	2590
Chas. Lawton,								40	3189	3229
Lloyd								47		47
J. Lott,								37		37
H. A. Lyons,								55		55
Lithgow,								24		24
Lockhart,								54		54
Lewis & Young,	261	315	300							576
Lewis & Co.						1261		1439		3000
McWilliams,								40		40
McEyre,								31		31
Martz,								31		31
Mears,									16	16
Marga,									138	138
Mortz,									42	42
McMullin,									22	22
Mott,									45	45
T. Mannan,									46	46

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
McFadden,									83	83
A. M. Murphy,					30	225	35			290
C. Marshall,	56									56
S. Mowry		25	34		143		68			270
M. Metcalf		61						54		115
A. McCafferty		22	40							62
Morris & Johnson		152		1660	7478					9290
Henry Morris						6602	1418	224	85	8329
Gaius Moore			207	1795	1875					3877
Moore & Graham						2213	530	556		3299
Miller & Rex			162	1136	1057	358	418	435	43	3609
J. Madeira			50		44					94
M. Meloy				17						17
Monro & Smith				166		59	22			247
McClellan					96		46		69	211
W. & S. Mitzer					98	136				234
R. Miller					45					45
J. Morgan					507					307
J. Murray					50		565			615
J. McAllister		40								40
A. Y. Moore,						434		25	45	504
John J. Moore						184				184
Wm. Milnes						443				443
Thomas Mills						185				185
J. Miller						98	274	327	294	993
Wm. & C. Moyer						27		68		95
P. Mann						22				22
A. McElroy						32				32
Millberger						40				40
Maxwell						82			123	205
George McHenry						186	249			435
Capt. Moore							107			107
" McCarty							26	29		55
H. Madden							170			170
W. McGee							20			20
Jas. Mitchell							59			59
Matthews							54		46	100
McConnell							55			55
McCullough							168	2879		3047
Martin							37			37
A. McCleney								79		79
Jas. Murray								147		147
H. Mowshower								53		53
Maberry								20		20
John Miller								257		257
McCord								29		29
Morrow								92		92
Maison & Turner						1022				1022
N. Y. & Sch'll Coal Co.	2798	5460	9137	8449	4293					30157
N. America Coal Co.			5182	12710	20485	14961	7557	24082	22048	107025
Benjamin Nehf	109	34	45	84						272
William Nothern		100	264			20				384
B. Nashton				20						20
Joseph Newbold					272	498	174			944
S. & Jas. Norton					22	43				65
N. Nathans						527	294	1794	1138	3753
Neligh & Ernst						693	278			971
D. Nice						16				16
Nugent						143	170			313
A. Newlin						54				54
J. Nelson						93				93
P. Nimen							46	43	87	176
Noble							67			67
Neligh Lewis & Co.										15693
Francis B. Nichols		1030						4702	10991	1281
Neligh & Alden										433
Newell										288
John C. Offerman	47	838	2423	2904	363	26	627	599	136	7963
Orrick			22	77	171	148	242			660
Morgan P. Old						83				83
J. Obershine						68				68
S. Ortlip						84				84
Olmstead,						70				70
Capt. Orr										27
O. Brien							27	40		40

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
Abraham Pott	60	186	81							327
J. Proctor	215	374	50							639
Benj. Pott	61		331							392
David Phillips	64	308	87	451	272					1182
Patterson & Hubley		1674								1674
Burd Patterson		385	1456				293	1029		3161
John Penman				19		515				534
Pott & Patterson					142	2889	2271	1326	2028	8656
John Pott					26					26
George H. Potts						291			294	585
Thos. Powell						1330	865			2195
S. J. Potts						538	30	149		717
W. S. Pech						35				35
Henry Porter							132	216	221	569
Capt. Peacock							28			28
" Platt							26			26
Palmer & Garrigues							94	74	557	725
Capt. Penrose							32	140		172
John Patrick							127			127
C. Parker								1129	2641	3770
F. Parvin								86	86	172
Capt. Popp								18	40	58
" Powers								58	371	429
George Patterson								44	945	989
Pauling									40	40
Peacock									208	208
Patterson & Lewis									1521	1521
Pulkenhouse									413	413
Petrajan									26	26
Patton									133	133
Phoenix Co.								2802	8715	11,517
P. Raush				116						116
J. Reed	66					28				94
Thos. S. Ridgeway	287	1425				150				1862
R. Rickert		88	416	980	946	214	353	30	721	3748
C. Rider		47	20							67
A. Rambo		24			22		26			72
D. Roberts		13						152	108	273
J. Roades			28					68	48	144
J. Reese			52		79		37	40		208
T. Rush				102						102
Renshaw					40					40
H. Rheam					20				40	60
W. Rogers					15	150	349	134	80	728
Capt. Ryan						25	103	75		203
Ryswick						38				38
J. Robb						22				22
Rhoddmer						32	50			82
C. Randolph						97				97
Jos. Riley						14				14
J. Rickert	150						155	5660	801	6766
Rarn							18			18
D. J. Ridgway							70			70
S. B. Reeves & Co.								10,612	15,604	26,216
Capt. Reeser								76	152	228
" Rapp								51		51
Reifsnyder								237		237
Richards								180		180
Thos. Robinson									1813	1813
S. Raber									30	30
Reynolds									42	42
Ray									95	95
Richen									154	154
Rife									26	26
T. Summer					15	14				29
P. Sard					12					12
Jacob Seitzinger	13		67		94					174
J. H. Shaffer	46		38	178	56				117	435
Thos. Sillyman		60	1214	199						1473
John Schall		145		50	461	66		251	143	1096
R. & Z. Savage		13			54					67
J. Stoker		20	254					48		322
Wm. Stall		39								39
Gideon Scull			459							459

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
John Shippen & Co.			49	3577	6257	3227	4610	106	86	17,912
J. Sedom			28							28
J. Schoner				46			18		94	158
D. E. Sharpley					140					140
E. Scott					96					96
T. Serrick					61	62	89	82		294
U. Shillaber					20	33	59			112
B. H. Springer						186	779	1440		2405
L. & C. Smith						105	32		177	339
Strouse						49		25	26	75
C. Storer						87	70			157
Sullivan						18	35			53
Spacke						50				50
C. Sharp						20				20
Capt. Stoffer						15	95			110
Staley						84			31	115
Sprucht						28	18			46
Sayferheart						20				20
J. Styles						99				99
Shouch						41				41
Capt. Shepherd						20	65			85
Shelly						15	27	63	139	244
S. Swift						20				20
George Sutton						394				394
A. Small						20				20
Capt. Souders						16	64	102	27	209
E. Safford						54				54
J. Shitz						12			24	36
George Sawtel							39			39
Shuenday							20			20
Capt. Shulenberger							163	133	89	385
Switzer							38			38
Sellers & Davis							30		155	185
Shellmore							26		32	58
Capt. Sawyer							91			91
Swaim & McPherson							37			37
Capt. Simpkins							28			28
Serrill							911	258		1169
E. Swift								769	404	1173
Skidmore								2532		2532
John Shuttleworth								2796		2796
Capt. Sheffy								110	29	139
Stall & Offerman								300	1742	2042
Sowers								45		45
Spear								183		183
Solmes								26		26
Capt. Snowden								29		29
Dr. Steinberger								8945	2512	11,457
Speice								127	50	177
Snyder								229		229
Shroder								119		119
Streepcr								200	385	585
Sesler								196		196
Capt. Shibblebine									35	35
Steller									28	28
Shoemaker									159	159
E. Sayles									1450	1450
Shank									43	43
Capt. Sailer							39	260		299
" Sills									45	45
B. Spayd			73	75	182					330
J. Shoner				42						42
Jas. D. Thompson		23	74	27					35	159
D. Thomas			87							162
Jas. Torbet						1255	1324	1029		3608
S. Towers						18	18	28		64
J. Tress							35			35
Capt. Trueman							134	91		225
" Troxel							30			30
" Trindell							16			16
" Todd							22			22
" Toram							16			16
" Titterville							20		148	168
" Townsend							18			18

Shippers' Names, in	1825. tons.	1826. tons.	1827. tons.	1828. tons.	1829. tons.	1830. tons.	1831. tons.	1832. tons.	1833. tons.	Total. tons.
Jas. Templin							27			27
Teller							35			35
Capt. Taylor							124			124
Trump								240		240
George Taylor									186	186
R. Taylor									504	504
Tyson									56	56
A. Vantine				24						24
Vanderline						66				66
Verden						18				18
Capt. Valentine							145			145
" Vernon							26			26
G. S. Vrieland								1592	85	1677
Capt. Vincent									30	30
Vansickle									45	45
Urley									28	28
Jas. Woods	76									76
White & Coombe			523	863	3200	1111	126			5823
Wynkoop & Co.			333							333
R. J. Wilson			26		36	26	25	20		133
Capt. Wells			37	24					20	81
S. P. Wetherill				20		4622	1351	4365	5560	15,918
S. G. Walker					133	405				538
M. H. Wythoff					1201	155	117	2359	1887	5719
Wallizer					30			140		170
Capt. Wapples					20			27	71	118
S. Willow					25					25
L. S. Waters					16		36	277		329
Martin Weaver						104	334	457	1547	2442
F. Wade						401	87	116		604
J. Walliser						58	66	32	116	272
G. C. Wynkoop						26	707	380	285	1398
Capt. Williams						24				24
E. Wells						90	18			108
Capt. Woodland						25	59			84
" Warner						40			71	111
Thos. K. Wallace						47	1308	2460		3815
Capt. Willihouer						32				32
J. Work						27				27
D. Weise						27	78	28	179	312
Thos. Wright						67				67
Capt. Whipple							256	95	45	396
Nelson Wade							30			30
Capt. Wertzell							52			52
Why							43			43
Wagner & Co.							2395	9093	16072	27,560
Capt. Wrangler							24			24
Capt. Whitman							37		86	123
G. S. Wharton								26		26
Walter								290	30	320
Ward								43		43
T. C. Williams									6428	6428
Widowman									171	171
Wickwire									161	161
Walsh									124	124
Jos. White & Son									2182	2182
R. & J. Young		82	977	52				1513	3782	6406
E. Yost				37			31			68
T. Youngman								30	71	101
Yager									77	77
Capt. Yoe									28	28
" Yocum									43	43
" Zelby								27		27
" Zuneger								27		27
" Zimmermann								24		24
" Zoler									57	57
674 Shippers										812,611

The statements A and B are compiled from abstracts made from the account of permits granted by the Schuylkill Navigation Company's collector of tolls. The statement C, from the reports of the respective companies,—the reports of the Secretary of the Treasury and other documents. The comparatively small aggregate difference of the whole quantity of anthracite brought down the Schuylkill is occasioned by the difference between the quantities for which permits were granted and the actual weight at the weigh-locks, and by the errors and omissions so liable to occur in making up an account composed of a business done in 674 different names, in a period of nine years.

C.—Statement of the respective quantities of Lehigh Schuylkill and Lackawanna (Anthracite) coal mined, and brought to market in each year, from the commencement of that business in the year 1820, to the year 1833, inclusive, with an estimate of the whole quantity consumed, and the surplus remaining on hand in the different coal markets (at tide water,) on the 1st April in each year. The estimated amount and annual increase of consumption and the retail prices at which Lehigh and Schuylkill was delivered to purchasers in Philadelphia in each year. Also a statement of the quantity of foreign (bituminous) coal, imported into and exported from the United States, in each year, ending on the 30th September, from 1821 to 1833, inclusive, showing the balance left for consumption in the U. S. reduced to tons of 30 bush. each.

Pennsylvania (Anthracite) Coal.										Foreign (Bituminous) Coal.		
Year.	Receipts of Lehigh.	Receipts of Schuylkill.	Receipts of Lackawanna.	On hand at tide water 1st April.	Consumption of Anthracite Coal at the 1st April, & all kinds in consumption during year.	Per cent.	Retail prices in Philadelphia, per ton delivered.	Bushels imported into U. S.	Bushels exported into U. S.	Bushels consumed in U. S.	Equal to tons of 30 bushels each.	
1820	1,073	365	—	—	1,073	—	840	—	—	—	20,647	
1821	2,240	—	—	—	2,240	190	840	637,737	8,318	619,419	20,647	
1822	3,823	—	—	—	3,823	125	840	970,083	4,167	966,661	32,223	
1823	5,835	—	—	—	5,835	125	840	834,983	2,846	832,137	28,405	
1824	9,541	—	—	—	9,541	125	840	764,815	2,414	762,401	25,413	
1825	28,303	5,306	—	—	33,609	64	733	722,555	4,140	718,075	23,936	
1826	16,835	—	—	—	16,835	250	733	970,021	1,080	968,941	32,298	
1827	32,074	29,483	—	5,000	48,115	30	700	1,127,388	1,180	1,127,208	37,574	
1828	30,232	47,181	—	8,000	85,417	35	650	906,200	1,743	904,477	30,149	
1829	25,110	78,593	7,000	12,000	102,403	29	650	750,127,970	1,268,312	750,127,970	42,274	
1830	41,750	68,984	43,000	18,000	132,734	42	650	1,640,295	12,480	1,627,815	42,274	
1831	40,966	81,854	54,000	50,000	226,820	37	650	1,022,925	4,329	1,017,916	33,930	
1832	75,000	230,271	44,600	none.	368,871	64	650	2,358,037	unk'n.	2,358,037	78,601	
1833	123,000	250,368	111,777	60,000	543,865	36	650	2,523,320	—	2,523,320	84,144	
1834	—	—	—	120,000	423,365	37	475	523,325	—	—	—	
	446,847	808,805	300,377	—	—	—	—	—	—	—	—	

B.—Statement of the quantity of Anthracite coal shipped down the Schuylkill in each year, from the opening of the navigation in the year 1825 to the 1833, inclusive: Showing the number of shippers in each year of quantities under 50 tons—from 50 to 300 tons—from 300 to 1000 tons—from 1000 to 4000 tons—4000 to 10,000 tons—10,000 to 20,000 tons—and above 20,000 tons. The quantity shipped to intermediate places between the mines and Philadelphia—the quantity to Philadelphia, and the total quantity shipped from Schuylkill county in each year.

Years.	Under 50 tons.	50 to 300 tons.	300 to 1000 tons.	1000 to 4000 tons.	4000 to 10,000 tons.	Above 20,000 tons.	To intermediate places between the mines and Philadelphia.	To Philadelphia.	Total quantity shipped.	Whole number of shippers in each year.
1825	13	15	8	1	—	—	3,154	5,306	5,306	29
1826	19	25	10	4	2	—	3,372	13,681	16,835	56
1827	34	20	10	4	2	—	3,372	26,121	29,493	70
1828	22	23	5	8	1	—	3,332	43,839	47,181	110
1829	48	40	7	10	5	—	3,321	72,972	78,293	61
1830	109	88	16	14	5	1	6,150	84,231	90,381	233
1831	102	90	17	10	7	—	13,429	79,348	92,769	296
1832	68	99	17	24	11	2	19,426	154,063	173,489	223
1833	86	109	26	21	7	3	54,174	253,469	307,643	237
1834	503	509	106	95	39	6	756,050	254,895	1,010,945	1265

From these statements it will appear that from the first commencement in 1820, when 365 tons were brought from the Lehigh, the quantity had increased to nine thousand five hundred and forty-one tons in 1824. The next year, 1825, (the first in which toll was paid on coal brought down the Schuylkill) the whole quantity brought down on both the Lehigh and Schuylkill was thirty-three thousand, six hundred and ninety-nine tons. The consumption of the year ending 1st April, 1833, is estimated to have been three hundred and eight thousand eight hundred and seventy-one tons, showing an average rate of increase of more than thirty-six per cent. per annum in the seven years from 1st April, 1826, to 1st April, 1833.

The consumption of Coal varies much according to the greater or less severity of the winter. An early and severe winter greatly increases the consumption as well by the necessity of using more to supply the usual warmth as by its prevention of supplies of wood, in consequence of the freezing of the streams. If the last and the present winters had commenced as early, and been as severe as the winter of 1831—32, there would have been little or no surplus stock remaining on hand on the 1st of April.

The certainty of supplies—the price, as well as the greater or less severity of the winter, all affect the consumption. An adequate amount of capital invested in the business by different

(Continued on page 272.)

† For a table of Foreign Coal imported into Philadelphia from 1820 to 1830, see Reg. Vol. vii. page 400.—En. Reg.

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Statement of the quantities of coal and *by whom* mined and transported on the rail roads in Schuylkill county in the year 1833, and the quantity shipped by each miner down the canal as ascertained by the published statements of the rail road companies and the permits granted by the Schuylkill navigation company.

No.	Names of Shippers on	Mt. Carbon road.	Mine Hill & Schll. Hav. R.	Mill C. Road.	Schl. Val. Road.	Total.	Shipped down the canal.
1	John M. Bickel & Co.	339				339	125
2	John R. Bowes	931				931	
3	David Brown	261				261	
4	Samuel Brook		3119			3119	2264
5	Bennet & Walton		2156			2156	515
6	Bennegoff & Fitch		1222			1222	
7	Beck & Woodside			403		403	253
8	Aquilla Bolton				9410	9410	6293
9	Charles Brooke				941	941	618
10	Wm. Bosbyshell				408	408	415
11	Blight Wallace & Co.				1935	1935	6131
12	John Curry & Co.				744	744	85
13	Daddow & Co.	657				657	
14	Delaware Coal Co.	17264	6860			24124	23534
15	Jacob Dewees		578			578	
16	L. C. Dougherty & Elridge & Brick		5901			5901	5533
17	John C. Ernst	1049				1049	837
18	John C. Flannagan			839		839	
19	John Gemplin	17				17	
20	J. & T. Graves			142		142	2594
21	Wm. Hall	4				4	
22	Hughes & Potts	20				20	213
23	Helner & Bast		5541			5541	6212
24	A. Hock		1240			1240	
25	Hughes & Dewees		823			823	
26	F. Haas & Co.			2166		2166	1286
27	Hodgson Pinkerton & Co.			5675		5675	7482
28	D. R. Jacobs		2183			2183	592
29	Peter Kern	28	576			604	551
30	John Kirkley	105				105	
31	Kline & Strauch			426		426	
32	Charles Lawton	4279				4279	3189
33	R. Long		241			241	
34	S. Lewis		961			961	
35	Henry A. Lyon			201		201	
36	Lawton Weaver & Co.			261		261	
37	Alfred Lawton				318	318	
38	Mann & Williams	1209				1209	
39	Wm. H. Mann & Co.	6749				6749	6428
40	James Millens	21				21	
41	Thomas Martin	2491				2491	
42	L. Montgomery	24				24	
43	John Miller		363			363	294
44	W. S. & C. M. Hill		2236			2236	1876
45	Geo. P. Neligh	401				401	
46	Neligh Lewis & Co.			9291		9291	10991
47	Neligh & Alden	617				617	433
48	N. A. Coal Co.	23339				23339	22048
49	F. B. Nichols & Co.			3822		3822	251
50	Palmer & Garrigues	2046				2046	557
51	Samuel J. Potts	9044				9044	
52	Phœnix Co.		9049			9049	8715
53	Pott & Coles		658			658	737
54	Burd Patterson		672		921	1593	
55	George Patterson		1560			1560	945
56	Benjamin Pott		50			50	
57	Pott & Patterson			1149		1149	2028
58	V. B. Palmer				1324	1324	
59	George H. Potts				1353	1353	294
60	Charles Potts				1265	1265	1762
61	Henry Porter				126	126	221
62	Ridgway Fisher & Co.	948				948	
63	Thos Ryan	5				5	
64	Samuel Rickards		1820			1820	801
65	R. Rickards		633			633	721
66	Thomas Robinson				2553	2553	1813
67	Thos. Sparks	38				38	
68	George Spencer	95				95	
69	James Sillyman	14				14	

No.	Names of Shippers on	Mt. Carbon Road.	Mine Hill & Schill. Hav. R.	Mill C. Road.	Schil. Val. Road.	Total.	Shipped down the canal.
70	Peter Stinemetz	51				51	
71	Stinemetz & Neligh	35				35	
72	Stephens & Co.		1637			1637	
73	A. Streeper		1184			1184	385
74	Stall & Offerman		1331	251		1582	1742
75	Dr. Stineberger		1120			1120	2512
76	John Schmoldt				1068	1068	
77	B. H. Springer				865	865	
78	J. Shuttleworth & Co.				248	248	
79	Peter Stineberger		500			500	
80	Emor Sayles		2076			2076	1450
81	George Taylor	138				138	186
82	Lewis Waters	216				216	
83	Francis Wade	664				664	
84	Wm. Waters		1805			1805	
85	J. Wilde		492			492	
86	Lebbens Whitney		223			223	
87	M. Weaver		512			512	1547
88	S. P. Wetherill			5671		5671	5560
89	M. H. Wythoff			2220		2220	1887
90	Wm. Wagner		16337			16337	16072
91	Robert Young			4557		4557	3782
	Sundry persons	38	1503			1541	
		73137	77163	37074	23479		
Little Schuylkill Navigation Rail Road and Coal Company						37506	37506
						248358	
Total quantity shipped down the canal by 49 miners and shippers							202266
do do do do 208 Purchasers							48322
Total quantity sent down the canal							250588 tons.

(Continued from page 270.)

hands, is the best guarantee that can be given that the supply shall be equal to the demand and the prices reasonable.

The coal business in Pennsylvania is yet in its infancy, and has labored under a want of experience in all its branches, the modes of raising, mining and transporting it—the uses to which it was applicable—the quantity that could be introduced into consumption, had originally no basis of calculations to rest upon, and have been undergoing changes and modifications every year since the business commenced.

No one would have been believed, who should have predicted ten years ago that the consumption of the year ending in April last would exceed 300,000 tons, and that the price would be reduced more than three dollars per ton, yet in that short space of time, all this has been effected by the improvements, as well in the mining region as in the rail ways and canals, chiefly the fruit of the enterprise and capitals of companies without which it is a matter of doubt whether the consumption would now reach 50,000 tons in a year, or rather whether the trade itself would have had sufficient importance to deserve the name. A large proportion of the whole quantity brought to tide water is consumed in warming manufactories, in steam engines, and the various other purposes in manufactories, and the mechanic arts to which it has been found to be so admirably adapted. About 15,000 tons were purchased last year for the town of Lowell alone now rated the third in New England, it is situated about twenty-five miles from Boston, and has been built entirely since the coal trade began, and is famous for the manufactories conducted by nineteen incorporated companies having an aggregate capital of more than six millions of dollars.

11th Query.—“What amount of capital do you suppose has been invested by individuals in the coal business and improvements connected therewith?”

To the 11th.—The amount of capital invested in the improvements made by the Lehigh, the Delaware and Hudson, the Schuylkill navigation and the incorporated rail road and coal companies, together amount to about ten millions of dollars; as the stock and loans of all of them is mostly held by individuals, it may be considered as capital invested by individuals in the coal business, and improvements connected therewith; of the amount of the separate individual investments I cannot form any satisfactory estimate. The amount of capital actually invested is however, comparatively very small. Many of the contracts for the purchase of lands and town lots in the Schuylkill coal region have been cancelled and the terms of others not complied with.

12th Query.—“What is the number of boats now used in the coal trade on the Schuylkill navigation by individuals and companies respectively, and what quantity of coal are they capable of sending to market yearly?”

To the 12th. I have heard the number of boats used in the coal trade on the Schuylkill navigation last season estimated as amounting to near six hundred, the use of them by individuals and companies respectively must have been in proportion to the quantity of coal sent down to them. There are some now building, but not enough to replace those which are so much worn out as not to be worth repairing. I have no doubt it however, that the boats which can be used on the canal the approaching season are sufficient to bring more coal to market than the means of all now engaged in the business both individuals and companies will enable them to send. If five hundred boats were actually employed in sending coal to market the last season they did not average but 531 tons taken down by each. I estimate their average capability at at least fifty per cent more. It has until lately been impracticable with any reasonable certainty to estimate the quantity or the rate of freight at which coal could be brought to market. The extremely high freights paid in 1832, a part of the season more than one half of the value of the coal after it was brought down, induced the building of a larger number of boats, in addition, the full employment at remunerating rates of freight could be had for the past seasons.

13th Query.—“What number of colliery establishments is now worked by individuals in the coal region and how many by incorporated companies?”

To the 13th. I do not know the number of colliery establishments now or at any period of last year worked by individuals in the coal region. Each individual or company engaged in mining coal on his or their own account in one or more workings in one or more coal veins has a colliery establishment. With this view of the subject there are three colliery establishments in Schuylkill county worked by companies incorporated by the laws of this state, and I regret my information does not enable me to state the number of individuals who are, or were last year engaged in mining coal on their own account. By the statement which I have made and before referred to, accompanying these answers, the committee will see that two hundred and fifty-seven persons and companies were engaged in transporting coal down the canal on their own accounts during the last year, but a large proportion of them had nothing to do with mining the coal, and I know a number whose names do not appear as shippers that were engaged in mining and had colliery establishments of their own.

The quantity of coal mined at the colliery establishments of individuals which was shipped down the canal	tons.
was	167,500
And by the three companies incorporated by this state viz. Little Schuylkill	tons.
Delaware	37,506
North America	23,534
	22,048
	83,088

Making the entire quantity 250,588

14th Query.—“Were the mining business confined exclusively to individuals, would it not necessarily fall into the hands of rich capitalists?”

To the 14th. I have no doubt if the mining business was confined exclusively to individuals that a large proportion of it would necessarily fall into the hands of rich capitalists.

Respectfully submitted by

JOHN WHITE.

Philadelphia, March 28, 1834.

(To be continued.)

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 18.

PHILADELPHIA, MAY 3, 1834.

NO. 330.

REPORT ON THE COAL TRADE.

APPENDIX.

(Continued from page 272.)

No. 17.

WILKESBARRE, NOV. 17, 1833.

Samuel J. Packer, Esq.

Dear Sir—Your favour of the 7th instant was duly received. I avail myself of the first moment of leisure to give you "some account of the discovery of the Mauch Chunk coal, and the measures devised, at an early day, to bring it to Market." A hunter first discovered the black earth that covers the coal, at the old mine at Mauch Chunk, and reported the extraordinary appearance to Jacob Weiss, Esq., an intelligent gentleman, who resided at Lehighton, within ten or twelve miles of the spot. An examination was immediately made, and anthracite coal found within ten feet of the surface. The land being extremely rough and barren, had not been appropriated, but was, forthwith, taken out of the land office, by Mr. Weiss, and a company formed, principally of public spirited citizens of Philadelphia; the mine was partially opened, and some small parcels taken to the city. The difficulty of kindling the coal, and the facility of obtaining that from Liverpool and Virginia, prevented its introduction into use; and this, with a hundred other projects of the day, slept—was forgotten by the public, and scarcely remembered by the owners of the stock.

After twenty years repose, the subject was awakened by the late war. Jesse Fell, associate judge of Luzerne county; one of the most public spirited and estimable citizens of Wyoming, after various experiments, had shown the practicability of burning anthracite coal in grates; and the article had been extensively used in Wilkesbarre and the neighbouring towns, for several years previous to the commencement of hostilities; and the value of it here was known and properly appreciated. Commerce being suspended with England, and the coasting trade interrupted by British cruisers, so that neither foreign nor Virginia coal could be procured, fuel of all sorts, and especially coal, for manufacturing purposes, rose in Philadelphia, to very high prices. Jacob Cist, of Wilkesbarre, my intimate and much lamented friend, had derived from his father a few shares of the Lehigh Coal company's stock. Sitting by a glowing anthracite fire, one evening in his parlour, conversation turned to the Lehigh coal, and we resolved to make an examination of the mines at Mauch Chunk, and the Lehigh river, to satisfy ourselves whether it would be practicable to convey coal from thence by the stream to Philadelphia. Mr. Robinson, a mutual friend, active as a man of business, united with us in the enterprise. Towards the close of 1813, we visited Mauch Chunk—examined the mines—made all the enquiries suggested by prudence respecting the navigation of the Lehigh, and made up our minds to hazard the experiment, if a sufficiently liberal arrangement could be made with the company. Our propositions were met with the utmost promptitude and liberality, by Godfrey Haga, the president, Mr. Wampole, secretary, and other members. A lease was obtained, gi-

ving us liberty, for ten years, to take what coal we pleased, and to use what lumber we could find and might need, on their tract of ten thousand acres of land; the only consideration exacted being—that we should work the mines, and every year take to the city a small quantity of coal—the coal to remain our own. The extremely favourable terms of the lease, to us, will show how low the property was then estimated; how difficult a matter it was then deemed to bring the coal to market, and how great the obstacles to bring it into common use.

During the winter of 1813—'14, Mr. Robinson commenced operations, by opening the mines, both at Room run and on the mountain; but other more inviting objects presenting, he disposed of his part in the concern to William Hillhouse, of New Haven, Connecticut. Mr. Cist then managed his own part of the business. June 2d, 1814, Mr. Hillhouse and myself entered into partnership, the management being left principally with me.

The situation of Mauch Chunk, in the midst of barren mountains, and a sparse population, rendered it necessary to obtain provisions, teams, miners, ark builders, and other workmen, from a distance. I made immediate arrangements to enter in business, and on the 8th June arrived at Lusanne, (fifty miles from Wilkesbarre by the then travelled road,) with my hands, and took up my very comfortable quarters with Mr. Klotz.

On Tuesday the 9th of August, I being absent, and there being a fresh in the river, Mr. Cist started off my first ark, 63 feet long, 14 feet wide, with 24 tons of coal—John Roads, pilot—Abel Abbott, [see note 1,] Daniel Blain, Jonathan Mott, Joseph Thomas, and John Thomas, on board as assistants. The stream wild—full of rocks, and the imperfect channel crooked; in less than eighty rods from the place of starting, the ark struck on a ledge, and broke a hole in her bow. The lads stripped themselves nearly naked, to stop the rush of water with their clothes. At dusk they were at Easton, fifty miles. On Wednesday morning they sailed from Easton, Peter Hawk, pilot; Daniel Blain and Joseph Thomas, assistants, Rhoads and the other hands returning; and at night the ark arrived at Black's eddy. Thursday, 11th, went six miles below Trenton. Here James Geddars, a new pilot, took her in charge, Hawk returning. Friday, 12th, arrived at Burlington—13th, to Ten Mile point—Sunday, 14th, arrived at the city at 8 A. M.—Monday, unloaded and delivered the coal to Messrs. Steelwaggon & Knight, selected by Mr. Cist, as our agents.

Expenses of the passage, and hands down	\$28 27
and returning,	47 50
Wages, including three pilots,	\$75 77

Ark, (cost high from inconvenience of building,)	130 00
Twenty-four tons coal, raising from mine,	24 00
Hauling 9 miles to landing, at 24 a ton,	
[see note 2,]	96 00
Loading into ark,	5 00
	<u>\$330 77</u>

So, that, in the first experiment, the coal cost us about fourteen dollars a ton in the city.

I have been somewhat minute in giving you these details, because this ark was the pioneer, and led off the coal trade by the Lehigh to Philadelphia, now so extensive and important. This effort of ours might be regarded as the acorn, from which has sprung the mighty oak of the Lehigh Coal and Navigation company.

But while we pushed forward our labours at the mine—hauling coal—building arks, &c., we had the greater difficulty to overcome of inducing the public to use our coal when brought to their doors, much as it was needed. We published hand-bills in English and German, stating the mode of burning the coal, either in grates, smith's fires, or in stoves. Numerous certificates were obtained and printed from blacksmiths and others, who had successfully used the anthracite. Mr. Cist formed a model of a coal stove, and got a number cast. Together we went to several houses in the city, and prevailed on the masters to allow us to kindle fires of anthracite in their grates, erected to burn Liverpool coal. We attended at blacksmiths' shops, and persuaded some to alter the *Two-iron*, so that they might burn the Lehigh coal; and we were sometimes obliged to bribe the journeymen to try the experiment fairly, so averse were they to learning the use of a new sort of fuel, so different from what they had been accustomed to.—Great as were our united exertions, (and Mr. Cist, if they were meritorious, deserves the chief commendation,) necessity accomplished more for us than our own labours. Charcoal advanced in price, and was difficult to be got. Manufacturers were forced to try the experiment of using the anthracite; and every day's experience convinced them, and those who witnessed the fires, of the great value of its coal. Josiah White, then engaged in some manufacture of iron, with characteristic enterprise and spirit, brought the article into successful use in his works, and learned, as we have understood, from purchases made of our agent, its incomparable value.

We sent down a considerable number of arks, three out of four of which stove and sunk by the way. Heavy however, as was the loss it was lessened by the sale, at moderate prices, of the cargoes, as they lay along the shores, or in the bed of the Lehigh, to the smiths of Allentown, Bethlehem, and the country around, who drew them away when the water became low. We were just learning that our arks were far too large, and the loads too heavy for the stream, and were making preparations to build coal boats to carry eight or ten tons each, that would be connected together when they arrived at Easton. Much had been taught us by experience, but at a heavy cost, by the operations of 1814—15 Peace came, and found us in the midst of our enterprise. Philadelphia was now opened to foreign commerce and the coasting trade resumed. Liverpool and Richmond coal came in abundantly, and the hard-kindling anthracite fell to a price far below the cost of shipment. I need hardly add, the business was abandoned, leaving several hundred tons of coal at the pit's mouth, and the most costly part of the work done to take out some thousands of tons more. Our disappointment and losses were met with the spirit of youth and enterprise. We turned our attention to other branches of industry, but on looking back on the ruins of our (not unworthy) exertions, I have not ceased to hope and believe that the Lehigh Navigation and Coal company, when prosperity should begin to reward them for their most valuable labors, would tender to us a fair compensation at least for the work done, and expenditures made which contributed directly to their advantage.

I mentioned that Josiah White had used coal sent down by us. Sagacious, ardent, and of expanded views, no mind in the city was more capable of seeing at a glance, to what account the vast deposits of coal might be turned. Perfecting an artificial navigation along a rapid river, was to him a familiar enterprise. With his

partners Messrs. Hauto and Hazard, he took measures to obtain possession of these mines, and a charter for the Lehigh Navigation and Coal company. The rest is matter of public history.

As one of the pioneers in the great work of introducing the use of Anthracite coal into our cities and upon the sea board, I cannot but look back with pride and pleasure, upon the success which has followed and grown upon our humble exertions, a success infinitely beyond the utmost stretch of our imaginations. Judging from what has been accomplished within the last ten years on the Lehigh, on the Schuylkill, and by the Hudson and Delaware Canal company, I do not question that, in less than ten years more, Anthracite coal from the Wyoming and Lackawanna valleys, will be in extensive use throughout the Genesee country, on the lakes, at Detroit, Kingston, York, Montreal and Quebec.

Note 1.—My friend, Mr. Abiel Abbott, who kindly volunteered his services to see the ark through the rough water, and to whose spirit we were mainly indebted for saving her from sinking when she stove on the rocks, is now justly raised by merit to the highly responsible station of superintendent of the Lehigh Navigation and Coal company's extensive business at Mauch Chunk.

Note 2.—The fact may not be uninteresting, that we were obliged to pay four dollars, and for much of the coal hauled, four dollars and fifty cents a ton, over an exceedingly rough road of nine miles, where now by rail way, it is transported for twenty-five cents a ton. Such are the triumphs of human industry and art! Such is the difference between the first experimental steps in a great undertaking, and the work perfected by capital and skill.

All which is respectfully submitted, by

Dear sir, your friend and servant,

CHARLES MINER.

No. 18.

Extracts from the First Report of the Pottsville Board of Trade.

So early as 1790, coal was known to abound in this country; but, it being of a different quality from that known to our smiths as bituminous coal, and being hard of ignition, it was deemed useless, until about the year 1795, when a blacksmith, named Whetstone, brought it into notice, by using it in his smithery. His success induced several to dig for coal, and, when found, to attempt the burning of it; but the difficulty was so great, that it did not succeed.

About the year 1800, a Mr. William Morris, who owned a large tract of land in the neighborhood of Port Carbon, procured a quantity of coal, and took it to Philadelphia, but he was unable, with all his exertions, to bring it into notice; and abandoned all his plans, returned, and sold his lands to Mr. Pott, the late proprietor. From that time, to about the year 1808, no farther efforts to use it were made. About the time, in cutting the tale race, for the Valley Forge on the Schuylkill, they struck on a seam of coal, which induced David Berlin, a blacksmith in the neighbourhood, to make trial of it; his success was complete, and from that period, it has been partially used.

In the year 1812, our fellow citizen Col. George Shoemaker, procured a quantity of coal, from a shaft sunk on a tract he had recently purchased on the Norwegian, and now owned by the North American Coal company, and known as the Centreville mines. With this he loaded nine wagons, and proceeded to Philadelphia; much time was spent by him in endeavouring to introduce it to notice, but all his efforts proved unavailing. Those who deigned to try it, declared Col. Shoemaker to be an imposter, for attempting to impose stone on them for coal, and were clamorous against him.

Not discouraged by the sneers and sarcasms cast upon him, he persisted in the undertaking, and at last succeeded, in disposing of two loads, for the cost of transportation—and the remaining seven he gave to persons who promised to try to use it, and lost all the coal and charges.

Messrs. Mellon and Bishop, at the earnest solicitation of Col. Shoemaker, were induced to make trial of it in their rolling mill in Delaware county, and finding it to answer fully the character given it by Colonel Shoemaker, noticed its usefulness in the Philadelphia papers; and from that period, we may date the triumph of reason, aided by perseverance, over prejudice.

In the year 1813, several small openings were made in different parts of the county, by sinking shafts; and the coal, taken out, was vended to the smiths and others in the neighborhood, at twenty-five cents per bushel, or three dollars and fifty cents per ton, at the pit's mouth. These shafts were sunk but a few feet, in the *crop* of the vein; and the coal, raised by means of the common windlass and buckets, and so soon as they attained a depth where the water became troublesome, (which seldom exceeded thirty feet,) the shaft was abandoned, and another sunk; and the same process undergone.

In the year 1823, an improvement was made in the mode of working, by substituting horse power and the gin, for the windlass heretofore used, by which they were enabled to clear the water from the shafts with greater facility, and to sink farther on the veins. But, with this, (as it was then conceived great improvement) they were only enabled to run down the vein for a short distance, and the coal in point of comparison was inferior, as experience has since taught, that the *crop* is not equal to the coal that is taken out lower, and when the roof and floor have attained the regularity and hardness, so necessary to ensure good coal.

At the period alluded to, rail roads were unknown amongst us, and the mode of transporting was by common wagons, over roads at all times bad, and through a country, where, from its mountainous character, the horse was able to perform but little, in comparison to what can be done on a plain and level country.

Yet, with all these difficulties the work was continued, and the price attained, (owing to the heavy expense of working) afforded but a scanty pittance to the men employed, without in any manner, reimbursing the owner of the land for the loss of the timber, exclusive of the impoverishing of his coal beds.

As far back as 1814, drifts had been run on the heads of veins, in several places, and the coal brought from them in wheelbarrows; but it was not until 1827, that the rail road was introduced into drifts, and from that period to the present, drifts have been the universal mode. Improvements have been making from that to the present time, and it is believed they have attained that degree of perfection, which has so long been desired, and such, as to enable the miner to work on the best and cheapest plan.

The introduction of rail roads into this county forms an important era in the history of this district, and deserves the attention of all who are engaged, or in any manner interested in mining; as by their introduction, those distant beds of coal, that a few years since were believed to be too remote to admit of being worked, but were held as a reserve for a future generation, and were supposed to be unavailing, until all those beds lying on the canal were exhausted, and which are now brought into active use, and the whole region forming a district, averaging eighteen miles in length from east to west, and in breadth from north to south, four miles is traversed or intersected by rail roads, and is rendered capable of being worked.

Previous to the erection of any of the public rail roads, our enterprising fellow citizen, Abraham Pott, constructed a rail road from his mines east of Port Carbon to that place, making a half mile. This served as

a model, and may be termed the beginning from which all originated.

No. 19.

Queries addressed to the Committee of the Conyngham Convention, by the Senate Committee.

1.—What is the extent of the coal region in the counties of Northampton and Luzerne, whose natural market is by the Lehigh?

2.—What number of mines has been opened, and has it been satisfactorily ascertained that the quantity of coal on the Lehigh, (exclusive of the Mauch Chunk coal) is sufficient to justify the construction of canals or rail roads from the mines to the river?

3.—What has been the effect of the acts and operations of the Lehigh Coal and Navigation company upon the enterprise and exertions of the owners of these coal beds?

4.—Have the contemplated improvements, to connect the Susquehanna with the Lehigh, been in your opinion, prevented or retarded by these acts? If so, state fully the facts upon which that opinion is based.

5.—State generally the resources of the country bordering upon the Lehigh, and the probable effects of a free navigation of that river upon the future prosperity of the community at large.

No. 20.

Report of the Committee of the People of Nescopeck Valley, upon the subject of the Lehigh Navigation and the Coal Trade.

To the Committee of the Senate of Pennsylvania, appointed at the last session to investigate the state of the coal trade, &c.

The undersigned, a committee appointed by the citizens of the valley of the Nescopeck, at a meeting held in Conyngham, on the fourth of July last, beg leave to submit the following statement, in reply to the queries proposed to them by the Senate committee.

Before proceeding to answer the queries submitted to us, it may not be amiss to call the attention of the committee to a branch of the subject not specially alluded to, we mean the unconstitutionality of the law, under which the Lehigh Coal and Navigation, exercise their powers and privileges.

In all governments, incorporations have hitherto been regarded with jealousy by the people, as institutions of a dangerous tendency, and likely to produce unfavourable results upon the well-being of the community where they exist.

In England it is a settled rule of law, that no incorporation can exist, except by act of parliament, the king's patent, or by prescription, which presupposes a previous grant. In this country they are entirely the creatures of legislative enactment, and consequently can exercise no power, but such as are specially granted by the act creating them. They take nothing by implication, nor does the fact of their creation give them any powers under the *common law*; and hence, no rights can vest in them, but such as the Legislature may constitutionally transfer.

In England, where the doctrine of parliamentary omnipotence is acknowledged, corporations are dissolved, whenever their existence is found to be prejudicial to the interests of the country, and we find that in the reign of Henry VIII. the monasteries were dissolved by act of parliament, upon the ground of their being injurious to the country. If then in England the question of expediency was made to bear upon this matter with such force surely in this country, where privileged orders are opposed by the spirit of our constitution, the Legislature would not hesitate for a moment, to repeal a law which in its effect is oppressive upon a large portion of the citizens of Pennsylvania, and it is not saying too much when we make the assertion, that our representatives are bound by every principal of patriotism to

revoke all such grants as have been inadvertently made, and restore to the citizen those immunities of which he has been unjustly deprived.

The Lehigh Coal and Navigation company owes its existence, and its important powers and privileges to the acts of assembly, passed in 1818 and 1822, which acts, we believe, are probably unconstitutional, and such as the Legislature had no power to enact. Our reasons for this opinion are,

First. It is not competent for any government, (nor is such power claimed at this day by the greatest despotism in Europe) to take the property of any of its subjects and grant it to others, except for some great national purpose, and then only, by making ample compensation to the party injured.

If this proposition is true in the despotic governments of the world, for a still stronger reason, the principle must prevail in republican Pennsylvania; and it is expressed in the strongest language in the constitution of the United States, which declares "that no state shall pass any law impairing contracts," and "private property shall not be taken for *public use* without just compensation;" and yet strange as it may seem, we find the Legislature in 1818, sanctioning a contrary doctrine, and in the face of the great charter of our liberties, wresting from the citizen his private property, and transferring it to three men, who certainly had no peculiar claims upon the bounty of the government above their fellow citizens.

The Lehigh river is a *public highway*, and has been so, since its first discovery. It needed not the sanction of human laws to make it so; its claims to this character rested upon the immutable decrees of the Governor of the Universe. The whole world had an interest in its waters, and those whose lands joined it, had the use of its waters, not only as a natural right, but by an express, or an implied grant from the state, which is to be found in every patent ever issued by the commonwealth. When they purchased their lands, they also purchased the water power found thereon, and had an undoubted right to the enjoyment of it, provided, the navigation of the river was not obstructed thereby, or the rights of their neighbours infringed. For this property the purchaser had paid the state a valuable consideration, and the faith of the government was pledged to protect them in the full enjoyment of their acquisitions; yet after all this, they see with surprise and indignation, a weak and improvident Legislature seize their possessions, and hand them over unceremoniously to enrich the coffers of a legalised aristocracy.

Had it been necessary for any great public benefit, that White, Hauto and Hazard, should become the owners of the water power upon the Lehigh, it would have been some excuse for such a measure. But the public interest did not require, that the constitution should be trampled upon, and the private rights of the citizen violated, in order to construct the Lehigh canal. The canal could be made without robbing one man to enrich another. But say the Lehigh company, the water power of the river was given to us, as payment for making the canal. This cannot be true; because the state gave the company the privilege of paying itself for any moneys it might expend for that purpose, in the tolls upon the canal, when it should be completed. But if this assertion is true, it would only show, that the Legislature had violated another fundamental doctrine of our government, and an express provision of our bill of rights which declares that "taxes shall be equal;" if however property can be thus taken without legal assessment to construct public works, the burden of the measure is thrown upon a few for the benefit of all.

Second. The whole country had a qualified property in the waters of the Lehigh, and therefore the government had no authority to obstruct its free navigation. All might freely use it, and no power on earth could appropriate its advantages exclusively to itself. The

Legislature could not have changed the course of its waters from the Delaware to the Susquehanna, and such an attempt would be considered as a high handed act of despotism, and a direct violation of the law of nations. Yet under the law of 1818 and 1822, the navigation of the river is effectually closed against all but the Lehigh coal and navigation company, and its consequences are more prejudicial to the public good than the case above stated could possibly be. In that case it is probable that as many would be benefitted by the change as if the river continued to flow into the Delaware, but as it now is, the natural navigation is destroyed, and the canal is made by the proscriptive policy of the company a mere appendage to their mining operations, and so far from its being a public highway as was probably intended by the Legislature, it is avowedly but a *private road*, and only used for the purpose of passing the company's coal to market. We say avowedly, because we are able to prove conclusively that the company charge their present prohibitory tolls on anthracite coal for the sole purpose of monopolising the trade and excluding the second coal field from competition with their own.

Thirdly. The law of 1822 is unconstitutional, (if understood according to the company's construction of it,) because it declares that the said company may "purchase, have, hold, receive, possess, enjoy and retain to themselves and their successors, lands, tenements, hereditaments, *rents, goods, chattels and effects*, of whatsoever *kind, nature or quality*, not exceeding in the whole ONE MILLION OF DOLLARS.

The construction given to this section of the law by the company if correct, (which we shall deny in its proper place,) would render it so palpably unjust and unequal in its operations upon the people, as would make it odious in the most despotic government in the world and in this country we trust it will meet with the steady opposition of every man who values the blessings of civil and religious liberty. By this law a privileged order is created who are completely without the operation of the laws of the land. Under this section a company of merchants and traders are organized, who are not personally responsible for their acts. With a capital of ONE MILLION they may control and monopolize the commerce of half the state. They can command the market to suit their views at all times. They cannot be indicted for their acts or punished for frauds in the most common affairs of life. The company have in fact but an ideal existence as to all moral purposes. Without a soul or any thing tangible upon which moral obligation can rest, it is emphatically above all law, and although its agents might sometimes be made responsible for their misdeeds, the company would stride like a colossus over the temple of justice, regardless alike of the laws of God, or the rights of man.

Where we would ask the committee are we to look for a constitutional provision, which gives the Legislature power to grant such privilege to a company of men who are only known by an impression of ornamental copper upon a piece of wax; and what would be said to an association of capitalists who should make an application for like powers at this day. We apprehend they would be ridiculed from the Legislative halls as men demented, or treated with that scorn which belongs only to those who would build their fortunes upon the ruins of our republican institutions.

The undersigned are not disposed to deny that the Legislature might lawfully pass any acts having for their object the *improvement* of the river Lehigh for the *use of the public*, but we deny that the act of 1818 and 1822, have in their practical application had this effect, on the contrary, they are but a shelter and protection to a few individuals in appropriating to their exclusive use and benefit the property of the public as well as the property of individuals. The river Lehigh is not now a public highway, which every citizen may use, but only a private road from the Mauch Chunk coal mines to the Delaware river. If then the Legislature have power,

to pass laws like those complained of, the citizens of Pennsylvania have no protection above the boors of Germany, and are at the mercy of, and subject to the caprice of a despotic government, which may at its pleasure take from the citizen his property and divide it as the spoil of an enemy among those who happen to be more in favor. You must be satisfied, gentlemen, that no such power exists in Pennsylvania, and that the people when they framed the constitution, never dreamed that any such should be exerted. What then is the constitutional pretext for taking private property for the use of corporations? There is no possible justification for such grants except that in the provision the work shall be constructed for public use. The letter and theory of the constitution unite in perfect harmony, in sustaining the great principle of doing justice to individuals and at the same time promoting the general good.

When the property of an individual is required for public benefits, the community, i. e. every individual who chooses shall have an equivalent for what he pays, the right of using the property so disposed of. Can any thing be more clear and undeniable.

In applying these principles to the present case let it not be said that every individual who chooses may use the Lehigh canal, for if the toll demanded for the use of it be more than the value of his product after it has passed over, the right is not less a mockery of all the rights of the community than such a doctrine would be of the constitution.

With the foregoing brief view of our constitutional objections we will proceed to answer your several queries, reserving the further consideration of this point to be resumed hereafter.

We propose to consider your two first queries together.—1 and 2. The coal region which must find its natural market by the Lehigh is of great extent, and may be safely set down as embracing an area of at least one hundred square miles. Its south eastern boundary is marked by the Red Shale formation at Spring mountain, and its northern and western limits are distinctly drawn by the Red Shale formation at the summit of Buck mountain. Its extent from northeast to southwest is about fifteen miles, and its breadth from southeast to northwest, from seven to eight miles. Beginning at its eastern extremity near the river Lehigh, you discover anthracite coal in great abundance, sufficient to warrant a rail road to the river. In pursuing a southwestern direction from this point, strong indication of the existence of the mineral present themselves until you reach the Beaver Meadow mines, which we believe you have examined for yourselves and it is therefore unnecessary for us to speak of its great extent. Coal is also believed to exist in the immediate neighborhood of these mines, and the formation is continued in the same direction until you reach the lands of Jacob Alter, Esq. who has opened a mine, and his experiments show conclusively the existence of an immense body of coal at this place, which is unquestionably connected with the Beaver Meadow formation. This is probably the south corner of this extensive region unless it connect itself with the Schuylkill and Mahanoy deposits which is not improbable.

From Alter's mines, the same indications continue to present themselves in a westerly direction, until you reach the Black creek of the Nescopeck. Here, at the south base of Buck mountain a mine was opened some years since by Redmond Conyngham, Esq., who sent a few tons to the city of New York, with a view to excite the attention of that city to the feasibility of a plan to supply the inhabitants with fuel from this region. The subsequent development at Carbondale, and the prescriptive policy of the Lehigh company cut off all prospect from that quarter, and the mine has not since been worked. From Conyngham's bed you pursue the range in a northeasterly direction, until you reach Turnbull's mill, a short distance from Mr. Casper Horn's on

the Berwick turnpike. This mine has been worked several years, and the people of Nescopeck valley have derived their principal supply from thence. From our own personal knowledge of this mine, we have no hesitation in saying, that there is a sufficient quantity of coal to warrant the construction of a rail road to the Lehigh, and if the navigation was opened upon equitable principles, stock could be obtained for that purpose.

About half a mile northeast of this point, Mr. Casper Horn has recently made an opening and found coal, and is now mining with success; it is of an excellent quality and in great abundance. About two miles distant in the same direction, near Hazel creek, another opening has been lately made with like success, and from this point to the place of beginning, strong evidences of coal are observable.

You will observe gentlemen, that the abode description embraces only the outer portion of the region, and within these lines we have not a doubt, but that a closely connected formation exists covering the whole area. It is worthy of remark that the region is distinctly bounded on the northwest and southeast by the red shale formation, and not a vestige of it is to be found in the intermediate space, and when we add the fact, that every attempt to discover coal in this region has proved successful, we have the fullest assurance there is coal enough in this region to warrant the construction of rail roads and canals to an indefinite extent.

The three following queries will next claim our attention: In answering these queries it will be necessary to inquire what have been these acts on the part of the company; and in order to give you a full understanding of the subject, we shall be under the necessity of taking a brief view of the history of this company from its first organization to the present time.

In the year 1818, the general assembly passed an act, entitled, "An act to improve the navigation of the river Lehigh." By this act Messrs White, Hauto, and Hazard, under certain regulations were authorized to make certain improvements in the navigation of the river, and as a compensation for their expenditures, they were authorized to charge tolls, &c. By this act they were not made a corporation, they had not even perpetual succession, or a common seal, but were simply partners in trade by the terms of their association. They were individually responsible for the obligations of the firm. Subsequent to this grant, this *Firm*, mortgaged or pledged all their privileges in the navigation to a certain association in Philadelphia, called the Lehigh navigation company, and had also pledged the real estate of the firm to another association in that city, called the Lehigh company. These two companies amalgamated, and under an arrangement with White, Hauto, and Hazard, an application was made to the Legislature for an act of incorporation, which was passed in 1822. By this act all the privileges, which had been previously granted to White, Hauto, and Hazard were vested in these two associations, under their corporate name, viz: "The Lehigh coal and navigation company," and at the same time the property pledged as aforesaid was also vested in the said company. The senate committee will observe that this company took nothing in relation to the navigation, but what had been before granted to White, Hauto, and Hazard, by the act of 1818. They acquired nothing in addition to the privileges of White, Hauto, and Hazard, except the stockholders were not individually responsible for the acts of the company, and such corporate powers as were specially granted them by the act aforesaid. By a careful examination of this act, it will be seen that the sole object of the Legislature was to "improve the navigation of the river Lehigh," and in the language of the preamble to the law, it "was the manifest interest of the *commonwealth* to promote by all proper means an object so important to the state." This then was the cause, which moved the Legislature to grant this company certain privileges, one of which was, to assess tolls upon the navigation, as a

means whereby they might remunerate themselves for monies expended in the construction of their canal, and for this purpose alone was this privilege granted; and as to the company's right to make a canal, the Legislature only made them the mere trustees of the state in regard to its use. It could never have been the design of the general assembly to give this company the sole and exclusive use of the canal, but on the contrary the whole act proves beyond controversy, that it was intended as a public highway for all the world, and to this end alone were all the provisions of the act directed.

If this be the true construction of this law, we would respectfully ask the honorable committee, how the company can be justified in their high-handed measure, hitherto pursued in relation to the tolls upon the canal, as we have before remarked. The canal is closed against all but the Lehigh company—the tolls are charged not for revenue purposes, but as the company have often declared, for the purpose of preventing any coal going to market but their own—is not this a perversion of the design of the Legislature? Is the object of the law attained? Has not the consideration which induced the contract between the state and company completely failed? In vain has the property of individuals been wrested from them; in vain has the water of one of the finest streams of Pennsylvania been given away, if this company can thus violate every principle, which govern contracts between man and man; and in vain has the blood of our fathers been shed if such a trampling upon the rights of a community can be tolerated in Pennsylvania.

Independent of the high tolls charged on anthracite coal, we would direct the committee to the examination of certain other acts of the company, which we believe are wholly unauthorized by law, among which, may be enumerated, the high toll on lumber, the toll on empty boats, their building houses to rent, buying and selling goods, and dealing generally as merchants; charging toll on passengers, *per capita*, &c. &c.

That it is unlawful to charge toll on empty boats, we need only refer to the law itself, and that they have done so is proved by their table of tolls and the *confession* of the acting manager in his pamphlet addressed to the Senate committee last winter, in which he attempts to justify the measure by quoting the Schuylkill law, and saying, it is "only neighbor like." The company will probably justify their acts in merchandising and building houses under the first section of the act of 1822, before referred to. But we contend that this section must have reference to the subject matter of the law, and it was never intended by the Legislature to make the company, merchants or landlords any further than was necessary to enable it to construct the canal. They could not have intended to permit to build up large towns and thereby control the community by means of their relation as landlord and tenants, and yet under this very section we find this company selling goods to the amount of thousands per annum, monopolizing the trade of the country to the total exclusion of individual traders, and we have proofs that the company have prohibited in their town of Mauch Chunk, the establishment of stores and all other branches of business in which they were themselves engaged, and we are informed that upon this subject they were so cautious as to introduce restrictive clauses in the leases to their tenants whereby they were restrained from business without the special license of the company first had and obtained.

We beg leave to state another fact connected with this branch of the subject, in which we apprehend the Commonwealth are largely interested. The company at one time (about one year ago,) prohibited their boats from taking in any back loading from Philadelphia to Easton, though they were permitted to do so at any point on their own canal, and one member of this committee found the truth of the above assertion in the great inconvenience he suffered by the refusal of the

company to permit any boatmen to take in a quantity of plaster for him which he had purchased in Philadelphia for the Nescopeck valley market. We will not say that the measure was dictated by a desire to keep the revenue of the Delaware division as low as possible or because they dealt in the article at their store in Mauch Chunk, but will leave it for your own investigation. Whether the prohibition is still continued we are not informed. If these facts are true, and that they are so, we pledge ourselves to prove, it may be asked what effect has this system thus pursued by the company upon the public generally. We answer,

First.—The contemplated improvements between the two rivers have hitherto been effectually prevented, because no man would be foolish enough to invest money in canal or rail road stock while a company governed by such a system held in their possession and under their sole control the outlet of the country to market. The owners of coal beds, could not work their mines because the onerous tolls would enhance the price of the commodity in market so that it could not compete with the coal from the Schuylkill or the company's coal from the Mauch Chunk mines. We need only to refer you to the Schuylkill to show what this country might have been had the company pursued a liberal policy and have made their canal a public highway according to the spirit and meaning of their contract with the Commonwealth. Another evil resulting to the state and especially to the city of Philadelphia by reason of this policy is this: It is a fact within the knowledge of this committee that the merchants of Wilkesbarre, have, and are deserting the Philadelphia market and have actually made large purchases in the city of New York the present fall, because as they say they can send their goods cheaper and with much less embarrassment by the Hudson and Delaware canal and Carbondale, than by the Delaware and Mauch Chunk canal. Is the state to look on quietly and see her own canal become worthless, the trade departing from her metropolis on account of this withering policy? We trust not. We hope that there is sufficient intelligence in Pennsylvania to arrest the evil; and how shall it be done? Permit us to suggest a remedy.

We stated in the outset that the law of 1822 and 1818 was unconstitutional and we firmly believe so; our reasons are before you, and we trust they will be duly considered. We also believe that the acts of the company amount to a forfeiture of their chartered powers and will bring them specially within the operation of the 20th section of the act of 1818. We say then here is a remedy ample and full, let these acts be repealed, either for the "misuse and abuse" or on account of their unconstitutionality. And let a modified charter be granted in which the rights of all concerned shall be strictly guarded. If however, the legislature should deem it inexpedient to resort to such measures, we have another remedy which we think could meet with no reasonable objection.

It certainly would not be unreasonable that the Lehigh company should pay the same toll on the Delaware division which they charge others on their canal, it would only be measuring to them again such mete as they measure unto others. Therefore if the tolls upon the Delaware were fixed at the same rate as upon the Lehigh, it would be putting it upon the company to assess their own tolls on both canals, and if their rates were low, so would be the Delaware; if high "the sin would lay at their own door." Let it not be said that the company would take the bed of the river in that case; they can not do it, and beside the state has the control of the outlet at Easton and might use it effectually in the assessment of such tolls as would make it a matter of choice to pursue the canal to Bristol.

And now gentlemen permit us to ask your attention to our answer to your 5th query. Independent of the inexhaustible coal mines, the pine forests bordering upon the Lehigh might be made the source of wealth which

are now of no earthly benefit. A free navigation of the Lehigh would enable the owners of these wilds, to turn them into fruitful fields, thousand of acres would be reclaimed from its present unproductive state, and where now is only heard the howl of the wolf and the screech of the panther, busy towns, and cultivated farms would soon be seen to spring up, sustaining an active and industrious population. By a free navigation of the Lehigh, the rapid settlement of the whole country from the Schuylkill county line to the Easton and Wilkesbarre turnpike would be ensured, the trade of all northern Pennsylvania would be secured to the city of Philadelphia. The Nescopeck canal would be made, thereby opening a direct water communication to western New York, Ohio and Michigan. A home market for the surplus production of the Susquehanna valley would be found at the distance of twenty miles, in the Buck Mountain and Beaver Meadow coal region. These are a few of the benefits to be derived from a free navigation of the river Lehigh, and if some measures are not taken to remove the evil complained of, it needs not the spirit of prophecy to foretell that in a few short years, Philadelphia will find herself deprived of the trade of all northern Pennsylvania; she will find herself at the mercy of an incorporated company for her supply of fuel, the price of which may be raised upon her citizens at pleasure. This country so rich in mineral wealth will continue to be a wilderness, the state canal from Easton to Bristol may or may not derive a small revenue from the Mauch Chunk monopoly, and finally if this incubus is not dislodged from its present position we may anticipate at no distant day that the political influence it will be able to exercise by means of its wealth and situation may prove destructive to our liberties.

We ask then from the Legislature a candid and thorough investigation of this subject. We ask it as a matter of right—we ask it of the Legislature as the guardian of our rights and as the representatives of a free people.

With great respect, we are gentlemen,
Your very humble servant's,
J. A. GORDON,
N. BEACH,
J. DRUMHELLER,
M. S. BRUNDAGE,
A. B. WILSON,

Conyngnam, Nov. 25, 1833.

No. 21.

Extracts from the answers of the Lehigh Coal and Navigation Company.

The Lehigh coal and navigation company, having given as full answers as was in their power to the queries of the committee of Senate, now beg leave to add, that they understand the opponents of the company from the Conyngnam convention, propose to make their replies to the queries of the Senate committee, the vehicle to bear their oft refuted charges against the company, to the new members of the Legislature. The company regret, that their opponents should take this unfair course after avoiding the meeting, which they themselves requested of your committee, for the special purpose of "hearing charges against the Lehigh company." Had they kept the appointment, it would have been easy for the company to have refuted all their charges, as at Mauch Chunk they had all the necessary documents for the purpose. They must now advert, by anticipation, to such charges as they suppose will be preferred against them, that the "bane and antidote" may go together.

One serious charge was made that the company refused to permit Jacob Drumheller to send his plaster by their boats. He was told, in reply to his application, that the company had *no authority* over the boats for *back loads*, that he must make his bargain with the *boatmen*, for the freight, that the company could not admit

plaster or merchandize to be sent *on the company's wharf in Philadelphia*, to be loaded into boats, as it was found to interfere too much with their coal business, advised him to apply for the use of E. Haine's (the adjoining) *wharf which he obtained, and actually sent his merchandize from there in the company's boats*. We refer to our "printed regulations for boating coal" which you will receive herewith to show, that the company could not refuse to take back freight as that is specially provided for in the first article, which says "the boats, during the contract are to be confined exclusively to the business of the company *except for back freights*," and by the third article of *the contract the back freight is not to interrupt the regular trips of the boats*."

The company have been accused of monopolizing, and not permitting any person to keep store at Mauch Chunk, of building houses to rent, of buying and selling goods as merchants, &c. The facts are these: Previous to the company making their establishment at Mauch Chunk, a number of abortive attempts had been made to improve the navigation of the Lehigh, under various laws of the commonwealth. The undertaking of the company was expected to share the same fate, and even after the Lehigh navigation was completed, the Delaware canal was looked upon as a failure. Under these circumstances, nobody would purchase lots in the wilderness, as the town of Mauch Chunk then was; the hands employed by the company must have houses to live in, and there was no alternative, but for the company to build them and make the house a part of the wages of the men at a stipulated price or rent. So with the store, which it became necessary for the company to establish, in order that the hands might be supplied with necessary articles at fair prices, without being subjected to the expense of going from four to six miles to the stores in the country. But, no obligation was ever imposed upon the hands to purchase at the company's store. In the same manner the company were obliged to build shops and furnish the tools, necessary for the manufacture of every thing required by their business, and employ workmen by the month, or send eighty miles to Philadelphia for every thing they wanted. But, upon the Delaware canal being proved to form with the Lehigh canal a practicable connection between Mauch Chunk and tide, the situation of that place became entirely changed; there was then no difficulty in finding purchasers for lots, and houses, stores and taverns, besides various manufactories have been established there by individuals on lots, purchased by them free from all restrictions. The Mauch Chunk newspapers, which you will receive herewith will confirm this representation, by the advertisement of town lots for sale in Mauch Chunk, and the advertisements of the various storekeepers, mechanics, tavernkeepers, &c. located there since this change. The company, by being surrounded by civilization, were enabled to relinquish all the various operations, which they were obliged in the wilderness state to carry on, and now have every thing done on contract by individuals as in other towns.

The Mauch Chunk newspapers will also give a list of tolls established on the Lehigh, which on the average will be found as low, or perhaps lower than those of any other canal, made by an incorporated company. This toll list will conclusively show that Philadelphia is not losing the trade of the Wyoming valley in consequence of "exorbitant tolls," as has been charged against the company, though it would have been nearer the truth had that result been placed to account of hauling nearly *double the distance*, over a rough mountainous turnpike from the *Lehigh to Wilkesbarre*, that is travelled on a *descending road from Carbondale to the same point*.

But the main difficulty is the "enormous toll" as our opponents style it, on coal. The company have no doubt charged a higher rate on this article than has usually been charged for the same distance on other canals, but it will be recollected, that coal is the *only* article to

be calculated upon for revenue on the Lehigh, whereas, other canals are favored with all the different kinds of agricultural and manufactured products in addition to coal.

The tolls on coal, however, were always fixed so low, that coal could be taken to market by the Lehigh as low as by any other route, and at a less rate of toll than was actually paid by the company themselves on the coal which they sent down, in the amount of interest on the cost of the navigation. To show that coal could be taken to Philadelphia by the Lehigh to a handsome profit, even when the toll was twenty-nine cents, and four mills higher than it is at present, we beg leave to refer you to Hazard's register for April 1828, bottom of page 249, for the estimate of the cost of coal, given by the president and managers of the Beaver meadow rail road and coal company to their respective stockholders, and *this evidence cannot be suspected of giving a result too favorable to the Lehigh company.* The result is that by their own statement, coal can be taken from the Beaver meadows to Philadelphia, for three dollars and thirty cents, including the toll on the Lehigh, and thirty cents for contingencies, while at that time the price of coal in Philadelphia was from five dollars to six dollars and fifty cents per ton. Here then, is a complete refutation of the charges so often made, "that the Lehigh is not a public highway, because the tolls on it amount to more than the value of the articles when arrived at market," and "that the tolls were charged not for revenue, but, as the company have declared" (so our opponents say, but which we deny) "for the purpose of preventing all coal going to market but their own."

The fact is, the Lehigh toll on coal is not half as much per ton per mile as is charged on the Delaware and Chesapeake canal, and not half what the act of incorporation of the Lehigh company authorizes to be charged. The toll on lumber is lower than on the state canals.

Charging toll on "empty boats" has also been considered a violation of our charter. By referring to the seventh section of the "act to improve the navigation of the river Lehigh" passed 20th March, 1818, it will be seen that the boat is to be *marked* with the tonnage she "is capable of carrying" and shall be permitted to pass on the said navigation for the price to which the number of tons so marked on her shall amount agreeably to the rates per ton hereinafter established." Now here is full authority for charging full toll, whether the boat is loaded or empty, but no advantage has ever been taken of this, as will be seen by the toll list. No toll is charged on the boat, when she has a full cargo on the Lehigh, though on the Pennsylvania canal the same toll is charged on the boat, whether loaded or empty.

There is no charge of toll on passengers "per capita" nor in any other way. The toll is on passenger boats, and within their tonnage. The charter of the Lehigh Coal and Navigation company has been said to be unconstitutional, and the Legislature has been asked to repeal it on that account. If this charter be unconstitutional, every other charter to turnpike companies, navigation companies, rail road companies, banks, &c. is precisely in the same predicament, and must share the same fate. The Lehigh Coal and Navigation company, however, believe their charter to be perfectly consistent with the constitution, but they do with all deference submit, that the courts of law are the proper tribunals for the determination of this question. All these and other charges against the company were prosecuted with their fullest force before the committee of the Senate, to whom the subject was referred, for the whole of the last session, and at its close the chairman of that committee now deceased, as you will all recollect, declared upon the floor of the Senate, that no proof had been adduced that the company had in any way exceeded the privileges granted them by their charter.

(To be continued.)

MR. LESLEY'S CASE.

In the House of Representatives, on Saturday, the 29th March, Mr. Irish from the committee appointed to examine into the conduct of the persons employed as superintendents, supervisors, engineers, &c. on the Pennsylvania canals, made Report, viz:

In discharge of the duty imposed by the foregoing resolutions, JAMES LESLEY, Esq. Cashier of the office of discount and deposit of the Bank of Pennsylvania, in Harrisburgh was called as a witness, and having been sworn according to law, on the 14th March inst. deposited as follows:

"That when a superintendent, or other canal agent came to the Office of Discount and Deposit, in Harrisburgh, to draw money, on drafts, out of said office, I thought it right to pay the expenses of such superintendent, or agent, in coming to Harrisburgh. On one occasion, about fifteen or twenty months ago, after I had so paid the expenses of William F. Packer, superintendent of the Locomotive line of West Branch Division of the Pennsylvania canal, he exchanged fifteen thousand dollars, (part of the sum drawn out of the office aforesaid,) with the bank of Middletown, for the notes of the said bank, which he paid out along the line of the canal. I heard of this, and mentioned it to one of the canal commissioners who disapproved it.—Mr. Packer came down to this place soon after and the amount I had paid for his expenses, was returned to me. When a canal agent did not call at the office for the sums required for disbursement on his line, I sent an agent of the office with the money, to the points where it was wanted—whose expenses of course the office bore."

Mr. Lesley here declined testifying further. He was requested to retire, that the committee might deliberate upon this new and unlooked for occurrence. On the 26th of March, the witness was again called and said:

"I have already given to the committee all the information I can, as a man of honour; without meaning any disrespect to the committee I am compelled to say, that I cannot, and will not disclose confidential correspondence, let the consequences to myself, be what it may."

Immediately after Mr. Lesley was asked by a member of the committee, Mr. Brodhead.—Do you know whether any other agents of the commonwealth or of the canal commissioners, have been engaged in a similar transaction, with that mentioned by you, as having been done by Mr. Packer, when last before the committee. I allude to exchanging money with any of the banks?

Answer by Mr. Lesley.—"The only instance which I know of any of our notes being exchanged was that which I mentioned as having been done by Mr. Packer."

Question by Mr. Strohm.—Do you know whether any money drawn from the Treasury, or from any of the banks, or Treasury drafts by any of the public agents, was afterwards exchanged by those agents for any other bank paper, previous to its being paid out on the public works?

Answer.—"I do not know."

The following question was then put to the witness, by Mr. Brodhead, one of the committee:

Do you know, whether any engineer, superintendent, supervisor, or any other person or persons, holding appointments under them, have been, or are now, interested, in contracts, on any of the public works, or whether any of the public moneys have been used by any of the public agents, now in office, for purposes, other than those authorized by law?

To which Mr. Lesley replied in writing.

"I have already given all the testimony which I can give, as a man of honour. Without meaning disrespect to any member of this committee, I am compelled

ed to say, that I cannot, and will not betray confidential correspondence, be the consequence to myself, what it may.

J. LESLEY."

Mr. Lesley stated further, that he feared no implication, or crimination, but refused to answer, on the ground stated in his written reply, singly; and on the 28th of March, transmitted to the Chairman of the Committee, a letter in the following words:

"Dear Sir,—Permit me respectfully to request of you, that in reporting to the House my conduct before the Committee of Investigation, you will state, that I declined answering, not from fear of implicating my character, in any way; nor yet from favour, affection, or friendship to any one concerned. I decline solely, because I entertain the conscientious belief, that I have not a moral right to reveal facts communicated in confidential correspondence, which I myself commenced.

I am very respectfully,

Your obedient servant.

JAMES LESLEY.

J. IRISH, Esq.

Chairman of the Committee of Investigation."

The committee were unanimously of opinion that the witness was bound to answer all questions proper or pertinent, to the matters submitted to this inquiry—and that he is compellable, and to be compelled to answer them,

Under the circumstances, however, the committee believed the duty they owed the State and the House would be best performed by making report to the house, and asking its direction and aid in the particular matter.

On Wednesday, Mr. Crawford, of Franklin, from the committee on the Judiciary System, to whom was referred the report of the committee, reported the following resolution, viz:

Resolved, That the Sergeant-at-arms of this House be and he is hereby directed, to take into custody James Lesley, of the borough of Harrisburgh, and bring him to the bar of this House, to answer for a contempt committed against this House, in refusing when examined as a witness, to answer questions put to him by said committee.

On the question upon the final passage of this resolution, the yeas and nays were called and stood yeas 68, nays 18.

After the adoption of the resolution, a motion was made to suspend the issuing of process against Mr. Lesley, until Thursday morning; which was agreed to.

On Thursday morning, the Sergeant-at-arms brought Mr. Lesley before the bar of the House, in compliance with a mandate issued by the Speaker, when Mr. Alexander moved that the same question which he refused to answer before the committee, be now propounded to him by the speaker. Mr. Lacock made some remarks and referred to a case that occurred before Congress in 1812, where a witness was punished for contumacy, and closed by approving of the motion made by Mr. Alexander. The special report of the committee was then read on motion of Mr. Brodhead, after which the Speaker propounded the question as moved by Mr. Alexander, which is as follows, viz:

"Do you know, whether any engineer, superintendent, supervisor, or other person or persons, holding appointments under them, have been, or are now interested in contracts on any of the public works, or whether any of the public moneys have been used by any of the public agents now in office, for purposes other than those authorized by law?"

To this question, Mr. Lesley, made the following answer, in writing, viz:

"I stated on my examination that I had no disposition to treat with contempt any member of the committee, and I repeat the declaration here, that I do not now intend to treat any member of this House, or the House itself with contempt. In declining to answer before

the committee I was influenced by conscientious motives, and those motives still operate upon me with the same force. I regret extremely the unexpected and painful situation in which I am placed, but I must still decline answering the question propounded. I hope the House will accept this explanation and discharge me from custody."

Signed,

"JAMES LESLEY."

Mr. Alexander then moved that Mr. Lesley be committed to the custody of the Sergeant-at-arms, until the further order of the House which was agreed to. Mr. A. then offered the following preamble and resolution, viz.

"James Lesley having been brought before the House of Representatives, by the Sergeant-at-arms, on a warrant issued against him for a contempt; and it appearing from the testimony offered and accepted to sustain the charge against him, and from his answer before the House, that there was no intention on his part, to resist the due execution of the laws, but that he was actuated solely by a principle of honour, magnanimous in its conception, but mistaken in abstract legal contemplation; and as the majesty of the laws and the dignity of the House of Representatives have been fully vindicated and sustained, therefore,

Resolved, That the said James Lesley, be forthwith discharged from custody."

On the question upon the passage of this resolution, a long debate ensued, upon the powers of the House, the rights of individuals, the necessity of individual opinions of honour yielding before the common obligations all citizens are under to the public, &c. It was alleged by some, that inasmuch as the answer of Mr. Lesley might implicate the canal commissioners, whom the house had clearly a right to impeach, there was no doubt as to the power of compelling him to answer the question proposed. A motion was then made that Mr. L. have permission to make further answer, upon which he was again brought before the bar of the House and added the following in writing, viz.

"Nothing that I could have stated in my examination before the committee, or here would have implicated the canal commissioners."

Signed,

"JAMES LESLEY."

This was not deemed sufficient to take from the house the right of continuing Mr. Lesley in custody until he should answer as required, as there could be no doubt of the right to inquire into the canal system generally, with which the reply to the question proposed, was connected. Upon the passage of the resolution offered by Mr. Alexander, the Yeas were Messrs. Alexander, Anderson, Cocklin, Dunlop, Goodman, Harper, Holcomb, Keating, Kerr, of Allegheny, Ma'her, McElwce, Patterson of Armstrong, Robinson, Snyder of Berks, Snyder of York, Stacey, Thompson, Wallace, Wiegand of Philadelphia.—19.

NAYS.—Messrs. Alison, Ayers, Banks, Barclay, Barnhart, Barrett, Bennet, Bertels, Bispham, Brodhead, Clarke of Huntingdon, Clarke of Beaver, Cromwell, Connelly, Crawford of Franklin, Crawford of Lycoming, Daniel, Donnell, Ennix, Farnace, Frailey, Grim, Gross, Harvey, Heston, Hilands, Hipple, Hoffman, Irish, Jackson, Johnston, Jones of Susquehanna, Kerr of Butler, Kline of Berks, Kline of Columbia, Lacock, Love, McLay, Mathiot, McClean, McClelland of Fayette, McCreery, McKeen, Miller, Moorhead, Norris, Noble, Patterson of Lancaster, Paynter, Piatt, Rambo, Rankin, Rheiner, Shaffner, Sharon, Schoener, Smith of Bradford, Smith of Chester, Stephen, Stokes, Strohm, Tyson, Walker, Weida, Weygand of Northampton, Westbrook, Will, Worthington, and Patterson, Speaker.—69.

Mr. Lesley, therefore remains in custody to the Sergeant-at-arms, to abide the further order of the House. [And so remained in custody till the adjournment of the Legislature.]

The following account of the festival is taken from Poulson's American Daily Advertiser, of April 23.

GRAND JUBILEE.

Yesterday forms an era in the history of our Federal Republic. It was a *free celebration by freemen*, who are *no man's men*," and most emphatically it may be said to have been worthy of the party, worthy of the county of Philadelphia, and worthy of the guests who were invited to partake.

The expenses were defrayed by voluntary subscription from all classes; many subscribed sums varying from one hundred to five dollars.

The committee of Arrangement had been particularly attentive to their arduous duties, and as a specimen of their provident care they had on the ground, at an early hour, in addition to the whole hecatombs of etceteras; two hundred rounds of beef, three or four hundred hams, the same number of beeves' tongues, fifteen thousand loaves of bread, eighty barrels of beer and ale, several quarter casks of wine, thirty barrels of cider, and six hundred pounds of cheese, the other arrangements corresponded in bounty and extent.

The following gentlemen composed the Committee of Arrangement, and to them we are indebted for much of the satisfaction experienced.

Bela Badger,
Tobias Huber,
Peter Parker,
Andrew M. Jones,
Jonathan Johnson,
Thomas S. Richards,
James Hana,
Geo. W. Jones,
Jos. W. Ryers,
Wm. Fittler,
Adam Woelpper,
Geo. W. Little,
Joseph Smith,
J. W. Wynkoop,

J. B. McKeever,
E. Childs,
J. Schofield,
John S. Warner,
John Savage, Jr.
N. C. Foster,
P. Revoldt,
D. Fittler,
J. M. Bolton,
Peter Deal,
Michael Day,
Geo. Day,
James M. Moore.

JOHN SERGEANT, Esq. was the President of the day, assisted by the following:

Josiah Randall,
Henry Sailor,
David Winebrenner,
Hugh Hollingshead,
Wm. Wagner,
Benjamin Nagle,
John L. Ferguson,
David Landreth,
Isaac Williams,
David Woelpper,
Saml. C. Spackman,
Jacob Engleman,

John Fox,
Thomas Shallcross,
J. Walton,
Franklin Comly,
Paul Prevost,
C. Megargee,
Samuel Brick,
Col. Robert Carr,
George Huffer,
Peter Diehl, Jr.,
Henry Remmey,
Joshua Ripka.

The *People* were in motion long before the appointed hour, and by one o'clock, with the exception of those who were stationed on the wharf to welcome our guests from New York, the city was pretty thoroughly deserted.

The stores were very generally closed, as an evidence of the gloom brought upon business by the desolating blight of Jacksonism, and a stranger would have thought it was Sunday, and all the people at Church, praying for deliverance from a pestilence! They were devoutly engaged in showing their abhorrence of a moral pestilence, and congratulating each other upon the prospect of being ere long delivered from its deleterious effects.

The hour appointed for the Jubilee was at half past two o'clock, but long before that time the enormous space allotted began to fill, and streams of people literally poured in for several hours. At the hour when the committee was expected a large concourse of citizens (two or three thousand) had assembled on Ches-

nut street wharf, in anxious expectation of the boat which arrived at 25 minutes past one, presenting the appearance of a dense mass of heads, over which floated gaily in the breeze the banner of the *carmen* of New York, and other flags appropriate to the occasion. A salute was fired from the boat on approaching the wharf, which was answered by thundering shouts of applause. Nine cheers were given and returned; and a double line of citizens was formed, extending from the boat to Second street, through which those whom the whigs delighted to honour, preceded by two marshals on horseback, advanced on the route. The citizens formed in the rear, and the whole marched to the scene of the celebration.

The field is a parallelogram containing at least twenty acres; in the centre a mast was planted, adorned with thirty-five different flags, streaming in the wind. Under it was the grand provision depot, containing a display of eatables sufficient for an army. This space presented an extraordinary spectacle; it was forty feet square, and guarded by about one hundred waiters. Tables were interspersed through the lot in every direction, each well furnished; and at each one or more barrels of beer were placed.

Between this and the great stage were two elevated places for the Philadelphian and Johnson's Bands, who, ever and anon, vied with each other in sending forth strains of well known and patriotic music. These stagings soon became too heavily loaded, and one of them gave way, but without injuring any one.

The staging for the reception of the New York delegation was calculated to contain several hundreds.

About two o'clock the ship *CONSTITUTION* was hailed, and when she made her entry into the yard, she was greeted with loud and reiterated cheers. The *Constitution* is a neat little vessel, painted black, with a white stripe, on which appears her name; she was fully rigged and mounted with brass ordnance, with a handsome ornament on the stern exhibiting the paraphernalia of war, the American flag, &c. In the centre of these emblems was a head of one of the heroes of the Revolution. She distributed to the crowd the song of "Hail Columbia," which we here insert, as it formed a most appropriate ode for the occasion:

HAIL COLUMBIA.

Hail Columbia! happy land!
Hail ye heroes! heav'n born band!
Who fought and bled in freedom's cause—
Who fought and bled in freedom's cause;
And when the storm of war was gone,
Enjoyed the peace your valor won.
Let independence be our boast—
Ever mindful what it cost;
Ever grateful for the prize,
Let its altar reach the skies.

*Firm united let us be,
Rallying round our liberty—
As a band of brothers joined,
Peace and safety we shall find.*

Immortal patriots! rise once more;
Defend your rights, defend your shore;
Let no rude toe with impious hand—
Let no rude foe with impious hand;
Invade the shrine where sacred lies,
Of toil and blood the well earned prize.
While offering peace sincere and just,
In heav'n we place a manly trust;
That truth and justice will prevail,
And every scheme of bondage fail.

*Firm united let us be,
Rallying round our liberty—
As a band of brothers join'd,
Peace and safety we shall find.*

Sound, sound the trump of fame—

Let WASHINGTON's great name,

Ring through the world with loud applause—

Ring through the world with loud applause.

Let every clime to freedom dear,

Listen with a joyful ear—

With equal skill and god-like power.

He govern'd in the fearful hour

Of horrid war, and rul'd with ease

The happier times of honest peace.

Firm united let us be,

Rallying round our liberty—

As a band of brothers join'd

Peace and safety we shall find.

At half past two the New York delegation arrived. On passing Broad street salutes were fired, and the same ceremony was gone through as they crossed the Permanent Bridge from the ship *Star*, decorated with numerous flags, and anchored in the stream. The delegation preceded by their flag were received by the Committee of Arrangement, and conducted round to see the preparations and partake of refreshments.

Returning to the staging, Mr. Sergeant, President of the Day, opened the meeting by delivering a short but pertinent address, welcoming the Whigs of New York, and congratulating them on their recent victory over tyranny, usurpation, and despotism. He was loudly cheered by a mass of people, such as has never been before collected in this city.

Mr. Allan, Chairman of the New York Delegation, replied in a most happy speech, in which he depicted the difficulties the Whigs had to contend against in an army of officers of the Government, officers of the State, and officers of the city, joined even by Members of the Legislature, who left their appropriate scene of action, and descended to drilling the party in the city of New York. Even a member of Congress, said Mr. A. left Washington, and was seen lurking in lanes and alleys to purchase votes. Mr. Allan made some very happy hits, which were echoed far and near by the responses of thousands of freemen.

Mr. Randall next addressed the meeting;—he said that the evidence of a great change in the political character of the people was before him—he wanted no better; great changes were always rapid, and such was the one now in progress. The present meeting to congratulate our honoured guests would be followed by others every where, till it would be as difficult to find a Jackson man in the whole union, as it was in this vast and respectable assemblage.

During this speech-making, dinner was served up, but the crowd was so great that very little provision reached the tables; it was good humouredly distributed however, by casting it among the crowds, the beer was tapped, the wine sangareed, and all seemed to relish the fare. Very many thousands of course could not come within the sound of the voice of the orators, and they employed themselves in distributing the viands. The following are the

REGULAR TOASTS.

1. The Whigs of New York. They have achieved a noble victory, and wrested a tower of strength from the foe; they struck the first blow for our second emancipation. Let it be long remembered, when the shouts of triumph shall be borne on every gale.

2. The United States. Let no man "calculate the value" of the Union; numbers cannot reach it; and may he perish who would remove a stone from the arch, cemented by the blood of our forefathers.

3. The memory of the ONLY WASHINGTON.

4. The Senate of the United States. A barrier of intellect and fearless energy, interposed between the Constitution and Executive Usurpation.

5. The Supreme Court of the United States. The

safe-guard of our liberties; without it, freedom is but a name, and the law of our country but a dead letter.

6. The grand Jackson Experiment. It has blown up its authors sky high! sky high!

7. The indignation of a free and independent people—Harder to bear than ten Spanish inquisitions.

8. The late majority in the House of Representatives—Their school-master is abroad; let them learn a lesson of duty to their country, or expect to feel a birch and ferule of public reprobation.

9. The little Whig Frigate "Constitution"—The obedient Tory strives to batter down every thing that bears its name. "Like master, like man."

10. Mechanics and Manufacturers—Forced from their employment by misrule and oppression, they become partly me from virtuous necessity; the Republic is safe when they go to work.

11. The recent Protest—Stale pretensions and suppliant pleading at their last grasp; the opponents of its alleged author hail in it a wholesome strength to their cause.

12. Borrowed Capital—"All who depend on borrowed capital ought to break!" Witness THE GENERAL POST OFFICE!!

13. American Matrons and their Daughters—Quick to sustain a good cause, and sure to reward its triumph with their smiles.

James C. Biddle, succeeded Mr. Randall; there was then a unanimous call for James Watson Webb, Editor of the New York Courier and Enquirer, who had been despatched among the delegation from that city. He came forward promptly, and delivered a very neat, though brief speech, in which he eulogized our fair city, its founder, and his followers, and ended with proposing nine cheers for the Whig party of the United States. This met a cordial welcome, and the air rang with reiterated vociferations. Mr. Webb is a ready and agreeable speaker.

David Paul Brown was now called for, and was prepared with some good things. He said we were now assembled at a *political Barbecue*; a barbecue according to the great lexicographer, Samuel Johnson, is a feast for broiling a whole hog—not that this was for broiling, for he hoped there would be no *broils* on the occasion, and he would take the liberty to suit the definition to our present circumstances, and we would call it a barbecue for *roasting* a whole hog! and by way of doing his mite, he would give it a little touch of the *Brown*—he must leave it to his fellow citizens to spit it and *baste* it, and he was happy to see honest hands present who could do all this without the aid of the Kitchen Cabinet. He asked if there was a single Jackson man in this vast assemblage? No—No—No—was answered with one voice. If there is, said Mr. Brown, let him abjure his name, for he has already renounced his country!

Mr. Brown having concluded his piquant allusions, Mr. Sergeant moved that the company now adjourn with *nine cheers for the Whigs of New York!* This was given with hearty enthusiasm. It was then moved that the company escort the New York delegation to their quarters. This was done, and the vast multitude separated peaceably; there was but one sentiment among them; they were unanimous that usurpation *must* be put down; if it is not, we shall soon descend to a level with the unstable republics of South America, ruled by every military despot who can muster a handful of troops.

Of the number of persons present on this memorable occasion, it would perhaps be useless to hazard a conjecture. The lowest estimate we have heard was forty thousand, in the opinion of others who are experienced in such matters, there was a much larger number on the ground.

EASTERN PENITENTIARY.

Report upon the Eastern Penitentiary, House of Refuge, and Institution for the Deaf and Dumb.

Read, March 18, 1834.

Mr. Wallace, from the committee appointed by a resolution of this House, passed on the 20th December last, to inquire into the expediency of appropriating a fund for manufacturing purposes in the penitentiaries, and for that purpose to visit the eastern penitentiary, and also to visit and inquire into the state and situation of the house of refuge, and the Pennsylvania institution for the deaf and dumb, made the following report:

That in obedience to the duties assigned to them, they visited each of those institutions. Their observations severally are subjoined:—

1. *The Penitentiary.*—The committee inspected its different departments, entered many of the cells, examined the different articles of manufacture both in progress and as completed; conversed with the prisoners, and examined the books of accounts. One of the first impressions made upon the committee, was that of surprise that so great a number of men, most of whose lives had been spent in profligacy and vice, should so soon be brought into habits of subordination, regularity and industry. The ordinary expectation would also be, that manufacturing or mechanical works carried on by men of such lives as there, now for the first time sit to work at occupations of which they were previously entirely ignorant, must eventuate in much loss to the establishment. It will be seen, however, that such has not hitherto been the case, and that if certain disadvantages which will presently be alluded to, shall be removed, there will probably be no loss hereafter. The committee are gratified in stating, that the good order, the system, and general economy of the whole establishment warrants the praise bestowed upon the institution, and its officers, by the governor in his message to the Legislature at the opening of the session. The Commonwealth owes much to the inspectors of the prison who have devoted so much of their time and talents gratuitously, to the organizing and arranging of the system, and to the constantly visiting and inspecting of its operation. It has also been exceedingly happy in engaging the services of the present warden who seems made for the situation, possessing accurate knowledge of men, with a peculiar talent for governing them, uniting decision and firmness of execution, with coolness and self-command.

The prisoners in general are healthy, are provided with all the necessaries of life, most of them are contented, but few complain, and some admit that they are improved both mentally and physically.

The inspection of the manufacturing department was more immediately the object of the committee and to it their attention was particularly directed. Its arrangements are excellent, and its practical effects cannot but be advantageous to the state, and to the unhappy objects of its care. The accompanying document will show a statement of the accounts of this department, from its beginning to the 1st January 1834, together with the number of prisoners, and how they were employed. But this department labors under some difficulties, which ought to be removed, and which if removed, would more than defray the cost of doing it. No fund being established for purchasing the raw material, which is to be manufactured, it must be bought on credit; and of course on terms less advantageous, than if for cash. To meet the payments for the raw material when they become due, the manufactured articles must be placed in the hands of a commission merchant, who must frequently advance money upon them, and sometimes sell them to disadvantage. A reference to the statement above alluded to, will show that the items of commission, guarantee, interest, insurance, freight, &c. have amounted to thirty-three hundred, seventy-nine dollars and ten cents, nearly, if not quite all of which it

is believed might have been saved, if a capital of ten or fifteen thousand dollars had been appropriated to this object, and which if so saved, would have increased the balance in favor of the manufacturing department to a handsome amount. During the years 1830, 1831, and 1832, there was a gain on the manufacture. During the year 1833, there was a loss, owing to the depreciation of the price of other goods. If the same prices continue, the same results may be expected, unless by giving the institution a small capital, you enable it to operate to more advantage. The loss during the last year was by no means equal to the amount of commissions, interest, &c., and with the aid of the capital proposed, it is believed, that the institution will be enabled at least to support itself, and thus to relieve the different counties of the state from what has been an oppressive, and perhaps an unjust burden on them, viz: the maintenance of their respective convicts. The committee recommend that an act be passed, appropriating ten thousand dollars to this purpose, and they report a bill accordingly.

Although, not immediately within the scope of their appointment, the committee cannot but ask the attention of the House to a subject of much importance to the institution, viz: the providing of regular religious instruction for the convicts; a person properly qualified, who should devote his whole time to the subject; who should regularly visit the prisoners in their cells, with a view to their religious instruction; and, perhaps, also in some instances, to assist them in the rudiments of school learning, could not fail to be useful. The attention of the Legislature has been frequently called to the subject by the inspectors in their annual reports. (See reports, particularly that of January 1, 1831—2, journals of 1830—31, page 71, sig. A.) The act of 20th April 1829, imposes upon the inspectors the obligations of procuring a suitable religious instructor for the prisoners, and prescribes the duty of that instructor, but requires his services to be gratuitous. This requisition renders it impossible for the inspectors to discharge the duty imposed on them, and ought to be repealed. The committee in the bill reported by them, have added a section to that effect.

The visiting of the convicts by grand juries, having been found injurious, it was intended, by the 5th section of the act of 27th February, 1833, to dispense with it: But, by an unintentional omission, it did not apply to the grand juries of the cities of Philadelphia and Pittsburgh. A section is added to the bill now reported, to supply the omission.

2. *The House of Refuge.*—Too much can hardly be said in commendation of the object of this institution, or of the manner in which it is conducted. The cleanliness, the order, the systematic arrangement, the regular and industrious habits which prevail there, are as complete as can probably be effected by human means. When we consider that, were it not for this institution, nine out of ten of its inmates would probably be confirmed in vice and become the subjects of the penitentiary; and that, by means of this institution, the provident care it bestows, the discipline it exercises, the instruction it gives, the habits it induces, and the situation in which it usually places them when leaving it, its subjects frequently become useful members of society,—its value may be appreciated. The managers are entitled to the gratitude of the community, for the services they gratuitously bestow upon it. The officers of every kind connected with it, so far as the committee could judge, discharge their duties with fidelity and ability. The documents hereto annexed, marked C. D. E., exhibit a view of the details of the institution:

3. *The Institution for the Deaf and Dumb.*—Of this delightful institution, it is difficult to speak, or even to think, without emotion. That a class of human beings, who, by the providence of God, seemed placed in a state but little higher than the brutes, should be raised to a condition "but little lower than the angels," that

they who, in their original condition, had not even the idea of the being of a God, and seemed incapable of acquiring it, or any abstract notion, should become fully instructed in the knowledge of their Creator, and of their duties to him and to their fellow men; that they who seemed to have no other consciousness than that of mere animal existence, and no other expectation than the gratification of animal appetites as they should arise; should be placed in a condition in which they are capable of enjoying "the benefits of knowledge and the blessings of religion;" in which they have set before them the "means of grace," and have opened to them "the hope of glory;" is a transformation which seems above human means. Yet such is the effect of the instruction of this institution. Certainly the bounty of the commonwealth and the liberality of individuals, have never been better bestowed than in founding, endowing and supporting this establishment. At the time the committee visited it, there were eighty-seven pupils in it. They were healthy, and apparently happy. The manufacturing and mechanical department appeared to be well arranged, and the articles manufactured to be as good as in a well-regulated manufactory. The whole establishment seems to be as well conducted as judgment, skill and attention can insure it to be; and to be producing all the good which the benevolence of its founders and present managers could wish.

The committee visited some other establishments in Philadelphia; but as these were not designated as objects of their attention, they do not report upon them. Visitations such as that made by this committee, cannot but be beneficial. They tend to make members from distant parts of the commonwealth better acquainted than they otherwise would be, with an important section of the State; to do away jealousies and misapprehensions; to make known the value and importance of the State institutions, and thereby extend their use; and they may be beneficial to the institutions themselves, by operating as an excitement to good management, and a correction of the want of it.

ARRANGEMENT OF TIME AT THE HOUSE OF REFUGE.

	Time of unlocking.	Time for school.	Time for breakfast.	Time for work.	Time for dinner.	Time for work.	Time for supper.	Time for school.	Time for bed.	Total working hours.	Total hours in school.
January,	6 6 $\frac{1}{2}$	7 8	12 1	4 5	3 8	7 4					
February,	6 6 $\frac{1}{2}$	7 8	12 1	4 5	3 8	7 4					
March,	6 6 $\frac{1}{2}$	7 8	12 1	4 5	3 8	7 4					
April,	5 6 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 5 $\frac{1}{2}$	8 8 $\frac{1}{2}$	3 3 $\frac{1}{2}$					
May,	5 5 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 6	8 9	3 3 $\frac{1}{2}$					
June,	5 5 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 6	8 9	3 3 $\frac{1}{2}$					
July,	5 5 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 6	8 9	3 3 $\frac{1}{2}$					
August,	5 5 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 6	8 9	3 3 $\frac{1}{2}$					
September,	5 6 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 5 $\frac{1}{2}$	8 8 $\frac{1}{2}$	3 3 $\frac{1}{2}$					
October,	5 6 $\frac{1}{2}$	7 7 $\frac{1}{2}$	12 1	5 5 $\frac{1}{2}$	8 8 $\frac{1}{2}$	4					
November,	6 6 $\frac{1}{2}$	7 8	12 1	4 5	8 7	4					
December,	6 6 $\frac{1}{2}$	7 8	12 1	4 5	8 7	4					

Fifteen minutes before the time for unlocking in the morning, a bell is rung to awake the inmates, during the fifteen minutes they dress, and make their beds, and at the time appointed precisely, the strictest punctuality being enjoined upon every person employed in the institution, the bell is again rung, at which every boy steps out of his room, and a line is at once formed, in which order they go into the yard, and from thence to the wash-room. After washing they proceed to the school room, where the services of the day are commenced by reading the scriptures and prayer. At the expiration of a half hour after unlocking,

the exercises of the school commence, and the various duties of the day follow, as mentioned in the table. At 8 o'clock at night a line is formed in the school room, and they proceed in order into the yard, and from thence to their dormitories. Silence is required at all times, except when they are permitted to amuse themselves in the yard.

The average working hours are about eight, but each boy has a task, and when that is completed he is permitted to amuse himself in the yard. Those who are industrious gain from a half hour to two hours in a day. If any one chooses to continue his work after his task is completed, a fair compensation is allowed for his extra services, which is given him when he leaves the institution.

When a boy has received a sketch of his life is taken by the superintendent and the rules of the institution are explained to him as far as is necessary for the regulation of his conduct. He is then placed in class No. 1, and a badge is given him to designate his class, which he is required to wear upon his arm, or in some other conspicuous place. If during the first week his conduct is good, he is promoted to class No. 3, and so on to No. 1; no promotion being made oftener than once in a week. If he can get the badge No. 1, and can keep it three months, he is then promoted to the class of honor, which is designated by badges of a different kind, and is divided into three grades. If he continues in the class of honor one month, he is promoted to the second grade, and if he continues three months in that class, he is promoted to the first or highest grade. Thus, by a course of continued good conduct, he can arrive at the highest grade in about seven months from the time of his admission. But if, during this period, he commits any fault worthy of notice, he is not permitted to be on the list of weekly promotions, or is reduced to class No. 2, 3 or 4, according to the magnitude of his fault. Once in every month, those who are deserving, are rewarded, according to their respective merits, which are known by their badges and the time which they have been in their respective classes. The rewards consist generally of cakes and fruit. Those who make the greatest progress in school, are rewarded with books, without reference to their standing in the merit classes. This system precludes, to a very great degree, the necessity of punishment.

The girls are managed in a similar manner, except in some particulars of minor importance.

(For statistical information see fifth annual report.)

It may be proper to remark that many of those of whom an unfavorable account is given, have been evidently improved by the instruction and discipline of the institution when compared with their previous character, but not to such a degree that we can speak very favourably of them. A great proportion of those who are not doing well are among the oldest subjects.

Since the date of the last report forty-two boys and twelve girls have been received—and forty-seven boys and twelve girls have been indentured.

(For interesting cases and letters see fifth annual report.)

To the Board of Inspectors of the Eastern Penitentiary for the State of Pennsylvania.

RESPECTED FRIENDS:—By a request from your board of December 7, 1833, I have carefully examined the accounts of the cotton manufacturing department, and as connected therewith, also, the stock on hand January 1, both manufactured and in preparation for manufacturing. The valuation thereto attached appears fairly made out, at as low a rate as such accounts generally are.

The accompanying general statement of this account, from its first commencement to this time, as made out by your clerk, John S. Holloway, comprises all that is necessary for me to state on this subject, and the result appears to be quite as satisfactory as could be possibly anticipated from the difficulties always to be encountered in commencing an undertaking of this kind in such an institution.

I did not enter minutely into every entry, to examine each particular, but on reference to many of the leading entries in each year, I found the items fairly, justly, and I believe correctly charged, further it would only have been a waste of time to have gone into them, and the result could and would only be what it now is. The young man having the care of the accounts, seems thoroughly to understand them, and appears well deserving the confidence, from the neat and correct manner in which his books &c. are kept.

I should hardly be doing justice to my feelings, without expressing the gratification I have experienced in finding the department of cotton manufacture in this very valuable institution, conducted with so much judgment, neatness, and economy, under the superintendence of Richard Blundia, and I feel assured by a continuation of the present system, it will be found not only to pay its way, but yield a fair remuneration, more especially, should the Legislature grant you a capital for "manufacturing purposes," when I believe you could introduce a

more economical manner of making purchases of cotton yarn, by obtaining it direct from the spinner, who will not only be willing to allow the four months credit, but take off from the foot of the bill the five per cent. commission he allows the city agent. The goods made by the institution are becoming well and favorably known, after supplying this market yourselves, or by an agent in the city, you would find an auction house in New York, enabled to dispose of the residue at the proper season for business, and perhaps at less expense than any other way, the charges there being very moderate.

Very respectfully, your friend,

JOEL CADBURY.

Philadelphia, 1st month 25, 1834.

Weaving Account, Eastern State Penitentiary, from December 15, 1829, to December 31, 1833.

	Dr.	Cr.
To cost of cotton, yarn, &c.	\$19,770 48	
do. Wool and dressing, &c.	265 61	
do. Convicts' labour,	10,933 74	
do. Dye stuffs,	3,596 36	
do. Commissions and guarantee,	1,666 31	
do. Wages, superintendent, dyeing department, spooling, &c.	1,264 22	
do. Int'l on yarn, &c.	924 41	
do. Insur'e, freight, portrages, &c.	548 39	
Commission sales, as follows.		
Per G. W. Richards, & Co.	25,837 95	
" Browns & Lewis,	1,056 18	
" Bowen & Richards,	750 42	
" Joseph Ripka,	681 06	
" Tiffany & Shaw & Co.	244 49	
" Wm. Tiffany & Co.	232 93	
By sales to sundry persons,		\$28,803 03
By sales for cash,		872 63
By goods furnished penitentiary,		549 78
By stock as valued Dec. 31, 1833,		2,459 41
To balance. Gain on the account,		6,635 93
	\$39,320 85	\$39,320 85

Cordwaining Account, from March 31, 1830, to December 31, 1833.

	Dr.	Cr.
To bills of Leather, findings,	\$11,814 83	
do. Convicts' labour,	4,639 21	
do. Commissions and guarantee,	170 48	
do. Interest,	58 22	
do. Portrages, &c.	11 29	
By sales to sundry persons,		11,614 20
By " per G. W. Richards & Co.		3,923 98
" shoes and repairs for convicts,		702 84
" Stock as valued, Dec. 31, 1833,		1,538 83
To balance. Gain on this account,		1,084 82
	\$17,779 85	\$17,779 85

Manufactures, Eastern State Penitentiary, from commencement to December 31, 1833.

Recapitulation.

	Dr.	Cr.
To yarn and materials, weaving department,	\$23,632 45	
To leather and findings, cordwaining department,	11,814 83	
To convicts' labor,	15,572 95	
To commissions and guarantee,	1,836 79	
To wages, superintendent, dyeing department, spooling, &c.	1,264 22	
To interest,	982 63	
To insurances, freight, portrages, &c.	559 68	
By sales on commission, viz:		
per G. W. Richards & Co.	29,761 93	
" sundry persons,	2,965 08	
		32,727 01
By sales to sundries,		13,036 63
By goods furnished penitentiary weaving department,		2,459 41
By goods furnished penitentiary cordwaining department,		702 84
By stocks as valued, Dec. 31, 1833,		8,174 81
To Balance. Gain on manufactures,	1,437 15	
	\$57,100 70	\$57,100 70

There were in the penitentiary on the 1st of January, 1833, ninety-seven prisoners, since that period we have received seventy-seven, discharged by expiration of sentence seventeen, by pardon two, and one has died, leaving on the 31st of December, 1833, one hundred and fifty-two males, and two females. There are employed at weaving thirty-eight, warping, dyeing, spooling, winding, &c. (in the cotton department) twenty-one, shoemaking fifty-two, carpenters five, one cabinet maker, five blacksmiths, one wheelright, one tinman, one stone cutter, one cook, two at washing clothes, one at quilting bed covers, one apothecary, one cigar maker, five making and mending clothes, nine wool pickers, and nine idle, several of whom had just come in. Only seven of the shoemakers and ten of the weavers understood these trades when admitted.

Manufactures from December 1, 1832 to December 31, 1833.

	Dr.	Cr.
Weaving.		
Stock as valued Nov. 30, 1832,	\$10,521 52	
Materials, &c. since purchased,	7,459 08	
Allowed convicts for labour,	3,670 82	
Wages paid superintendent, dyeing department,	282 50	
Wages paid, spooling, &c.	77 39	
		22,011 31
By sales,	14,039 08	
By stock, as valued Dec. 31, 1833,	6,635 98	
		20,675 06
By balance, loss on the acc.		1,336 25
	\$22,011 31	\$22,011 31

Cordwaining.			
Stock as valued, Nov.			
30, 1832,	406	26	
Materials, &c. purchased since,	5,333	73	
Allowed convicts for labour,	2,241	58	
			7,981 57
By sales,	7,596	85	
By stock as valued Dec. 31,			
1833,	1,538	23	
			9,135 08
To balance for gain on this account,			
		1,153	51
		\$9,135 08	\$9,135 08
Loss on weaving,	1,336	25	
Gain on cordwaining,	1,153	51	
Total loss on manufact'. \$182 74			

The loss sustained on the weaving account, may be mainly attributed to the depreciation in the price of cotton goods, of which the manufactured stock on the 30th day of November 1832, was forty nine thousand four hundred and thirty-one yards of check, and six hundred and eighty-four yards plain stripe. The checks were valued at the prices obtained previous to that time, viz: Fifteen cents, when the actual net proceeds of the sales have not averaged over thirteen cents per yard for checks, and eight cents for stripes, making a difference of two cents per yard.

Fifty thousand one hundred and fifteen yards, at two cents upon each yard, ten thousand, two dollars and thirty cents.

The account has also paid during the period, four hundred, three dollars and forty-seven cents for discount and interest.

HOUSE OF REFUGE.

HOUSE OF REFUGE, January 6, 1834.

Dear Sir:—The following are answers to the questions contained in your note of yesterday.

1st. The cost of the ground and buildings was \$83,381 81.

2d. The institution was opened December 8th, 1828, on which day the first subject was received.

3d. The number of subjects received since the opening of the institution is 431 boys and 158 girls.

4th the number discharged is as follows, viz:

	Boys.	Girls.	Total.
By indenture,	296	43	339
As improper subjects,	17	17	34
Of age,	22	35	57
Returned to their friends,	57	11	68
Sent to the Alms House,	6	1	7
Sent to the Children's Asylum,	2	0	2
Returned to the New York Refuge,			
from which he had escaped,	1	0	1
Escaped,	23	0	23
Died,	4	0	4
Remaining in the institution,	103	51	154
	531	158	689

Of those indentured, twenty four boys and five girls have not done well, and twenty seven boys and five girls have left their places, but we have since received favorable accounts of eight of the boys and one of the girls. Of the remaining 19 boys and 4 girls we have received no certain information, but there is ground for the belief that some of them had good reasons for leaving their masters, many of those reported as doing well have been considerably improved in their habits and general character, but on the whole, their conduct has been such that we cannot speak very favourably of them.

5th. The boys are employed at shoemaking, book-binding, making brass nails, umbrella furniture, cane chair seats and bonnet reeds. The girls are employed at sewing, knitting, washing, &c. The clothing for for all the inmates is made by them.

7th. The Library contains nearly sixteen hundred volumes. Many of the inmates are fond of reading. From fifty to one hundred apply weekly for books.

8th. The average age of the boys admitted during the last year is about thirteen years and eleven months. Girls, fourteen years and four months.

9th. The general health of the inmates is very good. It often happens that we make no use of the Hospital for six months at a time. Only four deaths have occurred since the opening of the institution. Two by dysentery, one by congestion of the brain, and one of inflammation of the lungs. His disease was in an advanced stage when he was received, and he died in a few days.

11th.—The diet of the inmates is as follows, viz.

Breakfast—Rye bread and coffee.

Dinner—Beef, potatoes, soup and rye bread, and occasionally turnips, cabbage and beans.

Supper—Mush or rice and molasses.

On Friday they have codfish instead of beef and soup. On Sunday they have bread and molasses for dinner, and meat, potatoes and bread for supper.

In winter they have mush generally five times a week, and rice once.

In summer they have rice three times, and mush twice.

14th. Twelve and a half cents per day is the greatest sum which we have been able to obtain for the boys' labor, and that only for the larger class. The greater part of the subjects are in the institution but little more than one year, and as it is generally some months before their labour is of any value, the amount of their earnings is necessarily small. The labor of the apprentices generally, is of but little value during the first year of their apprenticeship.

The teacher is one of the most important officers in the institution; and his duties are arduous. It is necessary that he should have a competent education and experience in the management of children. He should possess energy and self command sufficient to overawe the most determined character; but he should at all times be gentle, mild and conciliating in his intercourse with his pupils. He should be able to preserve order without severity, and to acquire the respect and esteem of his pupils at the same time. It is extremely difficult to find a person possessing the milder qualities, who has the energy of character, which is requisite to enforce perfect obedience among such pupils as he will here have under his care. His services are required in the boys' school about four and a half hours, and in the girls' school from two and a half to three hours each day. He will also be required to render some assistance in the capacity of clerk.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

The Managers of the House of Refuge respectfully submit their annual report to the Legislature of the Commonwealth.

They beg leave to present as a subject of sincere congratulation that the numbers of individuals received into the house during the last year have been smaller than usual. They also state with peculiar satisfaction that more have been bound out than heretofore during a similar period; and that the ages of those who have been admitted are less advanced than those of their predecessors. From all these circumstances combined, conclusions are drawn highly favorable to the system and to the particular establishment. General causes of improper conduct are not reduced. Vice and ignorance exist; and crimes are the natural consequence of them. If fewer have been exhibited in the conduct of the young, the results may be imputed, partially at

least, to the good effects which have been produced by a well organized House of Refuge. In the early stages of error individuals have been withdrawn by it from the sphere where they could most readily indulge in bad practices, and have been led into a better course of life. In removing the particular individual, the evil example which he afforded is also deprived of its effect. Confidence in the efficacy of the plan is daily gaining strength. Throughout many parts of the country persons are now pursuing a course of honest industry, who were rescued from a career of idleness by the restraints and influences of this place.

The managers have become more and more convinced of the value and importance of education as a part of their scheme. They are aware that the extent of instruction which can be given by them is necessarily limited. But limited as it is, it affords a strong barrier against the encroachments of vice. They sincerely wish that the conduct of this very essential branch of the establishment were more satisfactorily within their control. Teachers of proper qualifications are not always to be procured, at the comparatively humble salaries to which we are necessarily confined. One of the first objects to which a more enlarged endowment would be devoted, would be the due encouragement and reward of this meritorious class of individuals. That portion of instruction which is derived through the medium of the Sunday schools is upon the best possible footing. Gratuitous services are rendered on such occasions which at other times are of course not to be expected. We have great reason indeed to be thankful to the kind and generous individuals who perform the office of Sunday teachers, and to the clergymen who with unabated cheerfulness conduct the public worship of the numerous household on that day.

Employment is found and skill in handy work is acquired in the regular and constant devotion of the boys to the duties of the different workshops during the allotted hours of the day. The same trades which heretofore have been the objects of attention are still continued, and will probably be hereafter pursued. The higher branches of mechanical dexterity can scarcely be hoped for. Our apprenticeships are necessarily short; and it is not to be desired that their duration should be prolonged. If habits of industry can be acquired and fixed, and the rude elements of practical knowledge be acquired, the principal ends we aim at are attained. To this extent the occupations of the boys unquestionably go. The best proof both of the value of the habit and the sufficiency of the skill acquired, is found in the satisfaction which has been generally afforded to their employers by those who commenced their course of employment here.

No less than ninety persons have, within the last year been received into families or places of respectable occupation abroad. When it is considered that certainly a very large proportion of these individuals would have continued outcasts but for the protection extended to them by this House, the Legislature will be satisfied that its patronage has been well bestowed. Humanity rejoices that so many have been redeemed from every species of wretchedness, and continued exertions and perseverance in the work of charitable policy are invited and secured.

The committee of your honorable bodies that visited the establishment, enjoyed the opportunity of forming the best and truest conclusions of the manner in which our labors are performed. They witnessed the operation of a system now more than five years in active exercise, and they can tell how well it has realized the expectations that were originally formed respecting it. They appeared to be gratified in the inspection which they were pleased to give: and they conferred pleasure by their visit and the interest they manifested in the establishment.

A printed report for the contributors which was prepared in the month of May last, has been communicated

to the members of the Legislature. During the early part of the year scarlet fever prevailed both in the male and female side of the House, affecting many of the inmates with great violence. Subsequently varioloid made its appearance in a few instances. In the autumnal months intermittent and remittent fevers attacked some of the boys. We have cause of thankfulness to Divine Providence that in so large a family but one death has occurred in the course of the year. This was sudden, having been occasioned by congestion of the brain.

The Treasurer's account, herewith exhibited, will show the amount of receipts and expenditures. The latter have been guarded with scrupulous economy. The former have been husbanded with never ceasing care. The report of the Superintendent will also furnish details to which the Managers beg respectfully to refer.

The Managers do not deem it necessary to occupy the attention of the Legislature with a studied vindication of the objects of the Institution. They have heretofore availed themselves of different public opportunities to justify the efforts which they have made in what they have never ceased to believe the cause of humanity and sound policy. As long as the system could be considered by the most fastidious a mere experiment it was perhaps necessary and certainly excusable to reiterate arguments and proofs in its support. This necessity has happily passed away. Good intentions have now been more than justified in their results and the Managers rely with entire confidence upon the practical demonstration which is every where to be found, of the wisdom which gave legislative sanction to the plan, and of the zeal and alacrity with which it has been pursued and consummated.

All which is respectfully submitted.

JOHN SERGEANT,

President of the House of Refuge.

Attested,

JAMES J. BARCLAY, Sec. H. Ref.

Jan. 1834.

Quantity of rain which has fallen in each month of the present year.

1st mo.	2.49 inches.
2d do.	2.22 do.
3d do.	2.02 do.
4th do.	2.83 do.

Pennsylvania Hospital, 5th mo. 1st, 1834.

Poulson.

SMALL POX.—We understand that this loathsome and dangerous disease is prevailing to some extent at Sunbury, and that several deaths have occurred in consequence. One case of the same disease is said to be in this town;—all who have not had the small pox or nine pox had better be vaccinated without delay.—*Bloomsburg Reg.*

APRIL 29.

THE WEATHER.—For several days past we have had very cold weather, and severe frost for this season of the year. On Friday it commenced snowing.—On Sunday morning snow fell briskly for nearly two hours, and left the ground covered. On Sunday morning another snow storm covered the ground. Fears are entertained that fruit is mostly destroyed.—*Bloomsburg Register.*

There were also falls of snow in this city about the same time.

HISTORICAL SOCIETY OF PENNSYLVANIA.

A stated Quarterly Meeting of the Historical Society of Pennsylvania, will be held at the Philosophical Hall over the Athenæum, on Monday evening next, the 5th instant, at 8 o'clock. J. R. TYSON, Sec'ry.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 19. PHILADELPHIA, MAY 10, 1834. NO. 331

REPORT ON THE COAL TRADE.

APPENDIX.

(Concluded from page 280.)

No. 22.

Office of the Delaware and Hudson Canal Co.

Carbondale, Jan. 2d, 1834.

To S. J. Packer, Esq. Chairman of the committee appointed by the Senate of Pennsylvania on the subject of the Coal Trade.

Sir—The printed queries submitted by the committee appear to have relation almost exclusively to the Schuylkill coal region, in reference to which it is presumed they were framed. While it is the desire of the Delaware and Hudson canal company through its officers and agents, to aid and facilitate the labors of the committee, by furnishing to it all the information that the operations and experience of this company will permit, it is supposed that it would be inexpedient and improper to present answers to such queries as are not specially directed to them, or have no relation to the locality and business of the company. Of this description we suppose the 1st, 2d, 3d, 5th, 7th, 9th, 12th, and 13th printed queries to be.

In answer to the 4th inquiry we have no hesitation in saying that the coal business could not have been commenced to any good purpose, nor could it now be pursued with effect in the Lackawanna valley except through the medium of an incorporated company; very expensive works beyond the power of individual enterprise and capital, had to be constructed before a market for the coal could be reached, and as yet the resources and population of the Lackawanna coal region, are inadequate to the employment of those works.

6th.—We are not aware from our experience, that “a population or community, growing up under an incorporated company differs from that created by individual operators.” It is to be remarked, however, that this company commenced its operations in a wilderness and in the prosecution of its business has acted upon the principle that the prosperity and advancement of the company and that of the adjacent and surrounding country, was one and indivisible. Hence its aim has been to facilitate by every means in its power, the advancement of population, and the expansion of agricultural, manufacturing, mechanical and mercantile pursuits, within the sphere of its influence.

8th.—We have no experience or data on this head, except what is derived from our own operations, and in answer to the 4th query, we have already stated that here the business could not be pursued with any effect by individuals; of course the question of comparative economy does not arise.

10th.—The consumption of coal is unquestionably increased by having a constant supply in market, as that produces low and uniform prices. The operations of this company in the coal business commenced in the fall of 1829. The quantity of coal sent to market by it in each year has been as follows, to wit:

In 1829, 7,000 tons.—1830, 42,000 tons.—1831, 51,000 tons.—1832, 84,500 tons.—1833, 111,777 tons.

11th.—We have no means of ascertaining the amount of capital invested by individuals in the coal business and improvements connected therewith. But it is believed, that the capital thus invested by companies and individuals in Pennsylvania, may be safely taken at about twenty millions of dollars.

In reply to the inquiries specially addressed to this company we have to say that the extent of canal and rail road, made by it is one hundred and twenty-three miles, to wit: Canal one hundred and seven miles, and rail road sixteen miles; at a cost of two millions three hundred and three thousand five hundred and ninety-nine dollars and fifty three cents.

The locks of the canal are seventy five feet long and nine feet wide; boats carry thirty-two tons. The number of inclined planes on the rail road are eight—five of them ascending planes worked by stationary steam engines, and three of them descending planes acting by gravity.

It has already been stated that the operations of this company commenced in a wilderness. Their improvements were undertaken in 1825 and completed in the fall of 1829. A few facts will demonstrate their effects upon the general prosperity of the country, and their consequent importance to the public. In 1828 there was but one building on what is now the site of Carbondale; nor was there any road leading to it, save one constructed by the company. It now contains a population of two thousand three hundred souls, occupying good buildings; and there are turnpike roads passing through it, on which daily stages are running. It is one of the best cash markets in Pennsylvania for every agricultural product, and in addition to the coal trade, a large amount of lumber business is done here, upwards of three millions of feet of lumber passed over the road last year and it is presumed that the quantity will reach five millions this year. It has already reached four millions of feet most of which passes by canal to the Delaware river, and by it to the city of Philadelphia. Honesdale was also a wilderness in 1828. It now contains a population of 1500 persons, and is daily increasing. This rapid advancement is marked by corresponding improvements in the surrounding country, which finds an abundant market on the line of the works; land which might before the construction of these works have been purchased for two dollars per acre cannot now be had for ten. The number of miners and laborers in the employment of the company at Carbondale is four hundred. The number of hands employed on the rail road, in the transportation of coal, and in its superintendence and repair is one hundred and eighty. The number of horses employed in transportation on the road is eighty-six. On the line of the canal including lock tenders there are two hundred and thirty persons in the employment of the company. To these may be added at Honesdale and Rondout, fifty engaged in the labor, &c, incident to shipping coal down the canal and coastwise, making a total of nine hundred and sixty persons in the immediate employment of the company and depending for subsistence on it. To these however may very properly be added the crews and horses engaged in running three hundred coal boats for the company, being two men, a boy and horse to each boat, so that the total number of persons and horses finding employment and sub-

sistence in the company's business is eighteen hundred and sixty men and boys, and three hundred and eighty-six horses. During the year 1832 this company loaded at Rondout (the outlet of the canal) upwards of nine hundred vessels carrying altogether rising eighty thousand tons of coal, to various places on the North River, the city of New York and eastern ports. Up to the 1st September of the current year, it had loaded at the same place six hundred and twenty-nine vessels, fifty of which averaged three hundred and twenty tons each; of subsequent shipments we have no accounts at this place. Anthracite coal is used to drive the stationary steam engines of the company on its rail road; it is also used in two steam boats owned by the company and employed by them in towing coal boats and barges on the waters of the North river. It is preferred to wood for those purposes, both on the score of economy and convenience. The saving as compared with wood is estimated at 33½ to 50 per cent.

The annual increase of the company's business has already been stated. Its operations are limited to the capacity of the rail road over which however it contemplates sending during the year 1834, one hundred and fifty thousand tons of coal, which can be done with less effort, than the business of the current year has required.

In fixing the rates of toll on the rail road, the article of coal was left open to be adjusted with any one who might desire to have that article transported on the road. It must be obvious to the committee, that on a road of this construction, the rate would necessarily depend very much on the quantity that any person might desire to carry over the road and the arrangements that he would make for starting at regular periods and receiving it at Honesdale, so as to avoid interruption and embarrassment in the daily operations of the road, which must be conducted with systematic precision. On the canal the toll on coal is at present fixed at one and a half cent per ton, per mile. But the company would not hesitate to fix a lower rate on the article, if any individual or company should think proper to construct a rail road forming an additional communication between the canal and the coal field.

Very respectfully sir, your most obedient servant,
JOHN WURTS, Pres't.

No. 23.

Senate Chamber, Harrisburg, Feb. 11, 1834.

Dear Sir,—Understanding you are preparing a report, relative to the coal trade, and the importance of the same to the interests of Pennsylvania, I beg leave to mention a fact, as it regards the bituminous coal of the west branch of the Susquehanna.

My father, Samuel Boyd, of Lancaster, Pennsylvania, at an early day, took up and patented a small tract of land on the west branch of Susquehanna, about three miles above the town of Clearfield, on the opposite side of the river, which is now the county town of Clearfield county, at that time known by the Indian name of Chinclelamoose. This tract of land, lying on the river, rose on the margin of the stream, into a hill of some magnitude. My father, in surveying lands in this neighborhood, perceived the indications of coal, which induced him to lay his warrant upon this tract. Many years afterwards, in the autumn of 1803, I made a journey to that part of the country, and found from inspection, that coal was abundant in that vicinity, and that some had been taken out by blacksmiths for manufacturing purposes. As I wished to try the practicability of bringing this mineral to market, from what was then a wilderness country, I made an arrangement with a settler in the neighborhood to build an ark for the purpose of removing the same, with a cargo of coal down the Susquehanna.

In March, 1804, I sent a person accustomed to mining to open the vein of coal, and to load the ark, which was accomplished, and early in the month of April the

same year, the ark, with the first cargo of bituminous coal passed safely the Conewago falls, and landed her coal at Columbia, Lancaster county. This was the first cargo of the kind that ever floated down the west branch to this point of landing, and it was a matter of great surprise to the inhabitants of Lancaster county, to see an article, with which they were wholly unacquainted brought to their own doors. The blacksmiths soon found the value of this mineral, and after trying it in making iron, they purchased this new article freely. The coal was sold at thirty one cents per bushel at Columbia, and remunerated me for the expense of building the ark, and navigating the same on this first stone coal expedition. If you think this information worthy of inserting in your report, you are at liberty to make use of it.

Very respectfully, yours &c.

WM. BOYD.

S. J. Packer.

No. 24.

Extracts from the Report of the President and Managers of the Philipsburg and Juniata Rail road Company to the Stockholders.

The uses, for which hituminous coal is especially adapted are for domestic purposes, the arts generally, and more particularly for air furnaces, steam engines, and smiths work; for the production of hydrogen gas, and in the form of coke for the smelting of ores. The first of these, though the last in importance, where manufactories are extensively carried on, will probably on the first establishment of the road, constitute a large proportion of the demand. As one ton of coal is fully equal in its effects to three cords of wood,* whilst it is a much safer and less troublesome kind of fuel, it is very obvious, that whatever firewood costs more than one dollar and fifty cents per cord, and coal can be obtained for five dollars per ton, the latter will be preferred for domestic purposes.

The decided advantages, in the use of bituminous coal, for the generation of steam, may be comprised under two heads, safety and economy. To establish a claim to the first, it may be necessary to explain the cause, to which practical men attribute nine-tenths of the accidents, which have happened of late years to steam boats on the waters of the United States. A reference to most of those cases will show, that they have generally occurred immediately after the boat has left some landing place: The practice on arriving at the landing is, (owing to the uncontrollable nature of a wood fire) to let off steam, which is often done to such an extent, (particularly on the western waters, where the boilers used are very small, with flues usually passing through them, still further reducing their capacity) that too little water remains in the boilers, to prevent the inordinate action of fire upon them. In this situation, they become nearly red hot, and when the boat proceeds again on her passage, with the necessity of immediately replenishing them, the forcing pump is set in operation, when the cold water injected, coming in contact with the red hot iron, the expansion is so terrific, that it becomes a matter of wonder, not that so many but so few accidents have occurred. Now with bituminous coal, no danger, whatever, can be apprehended from this source. Five minutes before the arrival of the boat at the landing place, the fireman opens the doors of the furnace, and throws on the fire a quantity of small coal (such only ought to be used for steam engines generally) without stirring the fire. The cold air rushing between the now black mass and the boilers, will prevent accession of heat, and during the five

* A recent experiment made on board the King William steam packet from Pictou to England, exhibits the proportion as exceeding three cords of wood to one ton of bituminous coal, and the Ithaca and Oswego railroad company rate four cords to the ton.

minutes to elapse before the boat stops, the principal part of the steam previously generated, will have been used, and none whatever need be let off: When desirable to proceed, it is only necessary to stir the fire, close the doors, and the boat immediately pursues her way with well filled boilers, and without the slightest danger. As a proof of the correctness of this reasoning, it may be asked, to what other cause is to be attributed the safety of the English steamboats, which use *bituminous coal* exclusively, and on board of which, we never hear of the explosion of boilers, although accidents occasioned by carelessness and running foul of each other, do sometimes occur. As, however, one instance of an engine conducted on this plan at home, is worth hundreds at a distance, the board are happy to have it in their power to convey an invitation, on the part of the proprietor of the screw factory at this place, to all practical men, to visit and examine personally the mode practised in the management of the steam engine, at which little or no steam ever escapes whilst the hands are at dinner, and during the night, and at which the fire is never suffered to be extinguished, except when it becomes necessary for the purpose of cleaning the boilers.

The economy in the use of bituminous coal for steamboats will depend much upon the situation where it may be used; but let us suppose a case on the Hudson river, which is as remote from the mines, as there is any probability of this coal being transported. The large boats on the Hudson consume during a trip from New York to Albany, which occupies from ten to twelve hours from forty to forty-five cords (short lengths of pine wood, at an average of four dollars per cord, equal to thirty-five cords, full measure of one hundred and twenty-eight cubic feet, at five dollars per cord, one hundred and seventy-five dollars. With well constructed fireplaces, eleven chaldrons of coal, would accomplish the same result, which at nine dollars per chaldron, at which it is believed it can be afforded, is ninety-nine dollars, or a saving of nearly one half, besides occupying only one-fifth of the space, and thereby allowing so much more room for passengers, and diminishing in like ratio the cost of hauling, &c. With such decided advantages in its favor for the generation of steam, it is only necessary for the facts to be promulgated, and the article furnished in sufficient quantity, to insure an immediate demand for the supply of steam engines of all descriptions.

For the production of hydrogen gas, for lighting towns, factories and houses, large quantities of bituminous coal (as the cheapest material from which it can be obtained) are used in England. In London, it is stated that, up to 1830, one thousand miles of pipes, for lighting the streets, had been laid, and that the consumption of coal, for this purpose, was thirty-eight thousand chaldrons in that year. In Liverpool and Manchester, it is believed, the consumption is much greater, in proportion to the population; as, in the former place, gas is more in use for lighting private houses, into which it is introduced by gas companies, who provide the apparatus, receiving their remuneration according to the quantity of gas actually used, which is determined by a gauge connected with the reservoir or gasometer; and in the latter place, the ordinary consumption is still further increased, by the enormous supplies requisite for the factories. But the use of gas is not confined to large towns. There are few places of the size of Burlington, that are not lighted by it; and a member of this board remembers to have even seen it employed for lighting a solitary turnpike gate, between Stockport and Macclesfield. The mode of extracting the gas from bituminous coal, is by a very simple process of distillation, in the course of which, tar and ammoniacal liquor are also disengaged, the residuum, in the retort, being coke. The following estimate of the product of one chaldron of coal, subjected to this process, is taken from page 186 of "Cooper on Gas lights," to which the

board refer, for a mass of interesting information on the subject; comprising the evidence of many scientific and practical men, taken before a committee of the House of Commons.

"One chaldron of coal, from twenty-five to twenty-eight cwt. or thirty-six bushels, produces from 1½ to 1½ chaldrons of coke—from 150 to 180 lbs. tar, at 10 lbs. the gallon—from 220 to 240 lbs. or 22 to 24 gallons of ammoniacal liquor, and about 10,500 cubical feet of gas."

No. 25.

Estimate of the cost of delivering at Middletown and Philadelphia, bituminous coal of the first quality, from the Karthaus and other mines on the West Branch, Clearfield county.

Bituminous coal of the first quality, can be delivered on the river bank, from the mines, in any quantity required, at three cents the bushel, calculating thirty bushels to make a ton, which is <i>ninety cents per ton</i> ,	\$ 40 50
The cost of an ark at the coal, is	50 00
The expense incurred in running by the river from the mines to Middletown, is	85 00
	<hr/> 175 50

From this deduct the price of the empty ark, as generally sold in Middletown,

25 00

Cost of 45 tons at Middletown, by the river, from Clearfield county,

150 50

First cost per ton, at Middletown, is

3 34

First cost per bushel, at Middletown, is

11 1-00

Owing to the dangerous navigation of the river above Dunsburg, forty-five tons is as great a load as can be brought down in safety; and the dams erected in the Susquehanna also prevent those engaged in the trade from running a heavy loaded ark, as they will not run the dams safe; for these reasons, there can be but a very limited supply obtained; nearly all that comes down is consumed in the country bordering on the Susquehanna, from Northumberland to Columbia; a very small quantity reaches Philadelphia, where it sells readily at twenty-five cents the bushel. There is generally brought down in this manner, about ten thousand tons per year.

A statement of the cost of delivered coal from the same mines by the river to the head of the West Branch canal at Dunnstown, thence by the Pennsylvania canal to Middletown, provided that the rocks were taken out of the channel of the river so as to admit of loading sixty tons in place of forty-five tons as is calculated in statement, by the river:

First cost of sixty tons at the mines, ninety cents per ton,	\$54 00
Price of an ark at the mines,	50 00
Cost of running in the river from the mouth of Anderson's creek to the canal,	30 00
Toll on the Pennsylvania canal from Dunnstown to Middletown, 130 miles, half a cent. per ton per mile,	39 00
Expense of bringing the ark to Middletown by canal	54 00
	<hr/> \$217 00
Deduct the price of empty ark at Middletown,	25 00
Cost of sixty tons at Middletown,	<hr/> \$192 00

Cost per ton at Middletown, three dollars and twelve cents.

Cost per bushel at Middletown, ten cents and four-tenths.

Provided the natural channel of the river was im-

proved so as to admit sixty tons to be brought in safety to the head of the Pennsylvania canal, say at an expense of ten thousand dollars judiciously expended on the most difficult parts of the river, would enable those engaged in the trade to bring down a large quantity, say fifty thousand tons per year, and the quantity would be increased every year. The tolls arising to the state on fifty thousand tons, carried on the Pennsylvania canal at Dunnsburg to Middletown alone, would be, at the present rates of toll, one half cent. per ton per mile, thirty-two thousand five hundred and sixty dollars.

The toll and freight from Middletown to Philadelphia by the canal and Columbia rail road, per ton one dollar seventy-eight cents.

Whole cost at Philadelphia, per ton, five dollars.

Bituminous coal, of the same quality, as that of the above description, which by competent judges and manufacturers, by testimonials certified by them, has been pronounced to be "equal or superior to any coal, (they had used,) either American or English," sells readily at present at thirty cents per bushel in Philadelphia, or per ton, \$9 00

First cost at Middletown, by canal and rail road,	\$3 12
Freight and tolls from Middletown to Philadelphia by the Union canal, &c., or the Pennsylvania canal to Columbia, and thence by rail road, say	1 88
	<u>5 00</u>

Difference in first cost at Philadelphia on the ton	<u>\$4 00</u>
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N. B. One ton of bituminous coal is at least equal to two and a half cords of wood, for the use of steam machinery. The saving that therefore would accrue to the city of Philadelphia, by the use of bituminous "Karthauss coal," instead of wood, would be as follows, viz.

Say price of wood in the said city, five dollars per cord is for two and a half cords,	\$12 50
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First cost of coal in do. as per within statement,	<u>5 00</u>
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Clear saving to the city on 50,000 tons at \$7 50 is	\$375,000 00
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Or on fifty thousand tons of coal between nine dollars the present price, or	\$450,000 00
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And five dollars the price it would cost per within estimate,	250,000 00
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Or at four dollars less first cost,	<u>\$200,000 00</u>
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PETER A. KARTHAUS.

Harrisburg, Feb. 10th, 1834.

Testimonials.

We whose names are hereunto subscribed, have used the bituminous coal from the West branch of the Susquehanna, called Karthauss Coal, and take great pleasure in recommending them to the manufacturers and smiths, and for steam boats. We have found them equal or superior to any coal we have ever used, either American or English.

MERRICK & AGNEW, 340 Vine Street.
HENRY DERINGER, 370 N. Front St.
JOHN MAYWEG, 133 Dilwyn Street.
JONAS GLEASON, 259 High Street.
Philadelphia.

No. 26.

Estimate of Mr. Philips, President of the Philipsburg Rail Road Company.

Actual cost of thirty tons of coal delivered at Philadelphia per rail road, and Schuylkill canals.

Digging and delivering into rail road cars, thirty tons of coal at one and a half cents per bushel, thirty-two bushels to the ton, or forty-eight cents per ton, \$14 40

Toll on rail road as fixed by act of assembly, two cents per ton per twenty-eight miles, 16 80

Cost of transportation on do. at the rate at which, agreeably to the recommendation of the engineer, it is intended to apply to the Legislature to constitute the company public carriers, same as toll, 16 80

Loading into boats ten cents per ton, 3 00

\$51 00

Tolls on Canal.

On the Pennsylvania canal from rail road to Middletown, one hundred and twenty-four miles at one-half cent per ton, per mile, as per printed list, 18 60

On Union canal eighty miles at three-fourth cents per ton per mile as per printed list, 18 00

On Schuylkill canal sixty miles at one and a half cents per lock, on thirty-two locks charged for, or forty-eight cents per ton, 14 40

Charge on return boat, if empty, on Schuylkill canal, 1 22

52 22

Boating.

One man, one boy, and one horse form an adequate appointment for a boat of thirty tons, which will travel, on an average, twenty-six miles per diem, total distance from rail road to Philadelphia, two hundred and sixty-four miles, the double of which, five hundred and twenty-eight miles will occupy twenty days and a half.

One man per day, \$1 00

One boy do. 50

Keeping of one horse, 50

\$2 00—20½ days,

41 00

Use of Boat and Horse.

Cost of Boat two hundred and fifty dollars.

Use thereof for twenty and a half days at twenty per cent. per annum, of nine months navigation, 3 70

Cost of horse and gears, one hundred dollars.

Use thereof for twenty and a half days at twenty per cent. per annum for use and risk of death, 1 11

Prime cost of thirty tons on board the boat, \$149 03

At Philadelphia, or per ton, \$4 97

The distance from the Eastern termination of the rail road to Philadelphia, by the Pennsylvania canal and the Columbia rail road, is two hundred and twenty-four miles.

No. 27.

LYCOMING MINES, }
November 28th, 1833. }

Dear Sir—I will cheerfully answer all your inquiries on the subject of Bituminous coals, as far as I can, from memory, and such notes as I am now in possession of.

I will do it as briefly as I can; but in order to show the relative value of West Branch, and other Pennsylvania coals, I shall be compelled to submit a sketch of the coal resources of other districts, to show how they are to be estimated in a competition.

The Anthracite coals of Pennsylvania are now pretty well ascertained, and are introduced into such general use, that a foundation is laid for a great augmentation of its consumption, and a valuable commerce to the capital of the state. The public will never appreciate in full justice, the great efforts, and active services of the pioneers of the Lehigh and Schuylkill districts, in introducing that coal into domestic use.

The bituminous coals are more particularly designed for manufacturing purposes. The veins are generally found in positions nearly horizontal, and in parallel strata. The close-burning species is the kind which melts, and forms a crust, or what smiths call a hollow fire, and emits a bituminous smell. The open-burning kind produces an extensive flame, which passes freely through the coals, and emits little or no bituminous smell when burnt in a grate.

The Virginia mines near Richmond and James' River

Ellis Hill mine is fourteen miles from the river. The shaft is four hundred and eighty feet deep. The vein is twenty-five feet thick. It is full of sulphur, and strong sulphuret of iron bands, requiring powder to blast it. It is inferior coal, and but part of the vein is wrought. Fourteen feet above is another vein six feet thick, and the coal is better. A few feet above is also a five feet vein of still better coal. They are all soft, close-burning coals. It is raised from the shaft by mule power, and it has been hauled to the river, a mile below Richmond, at nine cents per bushel,—two dollars seventy-five cents per ton. A rail road is now far advanced or finished from the above mine.

Black Heath is understood to be found by the union of the above and another vein. There is a *Dyke* between this and the *Ellis Hill* vein, which throws up the former near two hundred feet, although they are but two miles apart. The *Black Heath* vein is about forty feet thick, but one-third of it is left to sustain the roof. This mine takes fire generally every year, and five or six months are lost annually in drowning out the fire. It is now generally rumoured that this vein, which has been esteemed the best in Virginia, is exhausted.

Stone Henge is fifteen miles from the river. It is a mile from *Ellis Hill*. The thickest vein there is four and a half feet. There is one above three feet. The coal is good.

Phiney and Brown are on the north side of the river, and eight miles from it. Their upper vein is eight feet, and is good coal. The lower is three and three-fourth feet, and is inferior. It has been difficult to keep this mine clear of water, with two steam engines.

Tuckyho mine is about nine miles from the river, but the coal is inferior.

Graham's mines are on the same side of the river, eighteen miles distant from it. It produces good coal.

The Virginia mines are all wrought by negroes. They are very wet. They are generally inflammable. And the coal from several of the mines is liable to spontaneous combustion, when laid in a heap and exposed to the weather.

Cumberland and Will's Creek Mines.

The *Will's Creek* mines are about eight miles from the town of Cumberland. The veins are six feet thick, and the coal is a good close burning coal. The *Cumberland* mines are within a mile of the river, and twenty-four miles above the town. The vein is a good one, and more than ten feet thick.

The *Round Top* mine is on the Raystown branch of Juniata. It is about thirty miles from Huntingdon by land, and sixty-eight by the course of the river. The vein appears to be in the same range with that above

Cumberland. It is about the same thickness, and of an equally good quality. It is wrought only for smith's in the neighborhood.

Clearfield mines are sixty miles above this location. There are several veins from two to six feet thick. Some of them contain impurities to an injurious extent, but several of them produce very excellent close-burning coal. The difficulties which have prevented working them extensively are the falls above this, and the high dams below. One or other are apt to destroy their property. Some good coal has been produced from the mines above the head waters of Juniata, and a rail road has been located on that route twenty-seven miles from Philipsburg.

The *Lycoming Company's* coal field, on the West branch of the Susquehanna, commences northwest of the Allegheny range, which crosses the river a little below this settlement. Its passage through the mountain, is on a fall of about two feet to the mile, and the new dam, being twelve feet high, will back the water at its common stage six miles, and within half a mile of us. The coal veins found here are two and a half, four, five and six feet in thickness. The coal is of two different species, of a bituminous kind; one, a strong open burning coal, peculiarly adapted to the use of reverberatory furnaces, steam engines, and to many important manufacturing purposes; the other, soft and close-burning, for the use of smiths, and for the making of coke. The veins now opened are about one mile from the river. It is an important fact that both of these kinds of coal are found in this district, and both, in parallel strata in the same hills.

Lycoming Creek mines are situated on the great line of communication, between the central parts of Pennsylvania, and the Seneca lake in New York. That state has recently constructed the Chemung canal, extending sixteen miles from the lake to a point six miles distant from the line of Pennsylvania. From thence to the West branch of the Susquehanna, is seventy-two miles. The coal valley or basin, which lies about midway on the above route, contains several veins which are from two to six feet thick. They have been opened on the above route of communication, and in Tioga county, and wrought to a limited extent. The coal is good, and there is an abundant supply of argillaceous iron ore. This will become an important district, when a communication shall be opened, so that an interchange may be made of the Pennsylvania coal and iron for the New York plaster and salt.

The Nova Scotia Mines.

The *Sidney* mines at Cape Breton. The vein is about six feet thick, but the roof being not good, they are obliged to leave a part of the coal. The coal is soft and close-burning. They work five feet five inches. The old French drifts are abandoned, and they now take up the coal through shafts of two hundred and fifty feet deep, by steam power. It is then hauled one and a half to two miles to the landing. From thence it is taken to North Sidney by lighters, a distance of five or six miles up the bay. The price for mining the last five years has been about one and nine pence per chaldron, which is here fifty bushels, and ten shillings a week for rations. Some of the jobbers get one pound one shilling and six pence, for a running yard of five yards wide, and five feet high. The haulers take up from the miners and convey the coals to the shafts for eight and nine pence the chaldron. The coal and the water, of which there is a great deal, are raised by steam. Hauling to the landing, one and a half miles, is one shilling a load of half a chaldron, or twenty cents for twenty-five bushels.

Bridgeport vein is nine feet thick, but five feet nine inches only of it are wrought. The other is left for roofing. There are two inches of slate in the vein near to the bottom. The coal is of the same kind as that of Sidney. The old drift is abandoned. It was liable to be

inundated by the tides. The expense of mining is about the same as at Sidney. The coals are hauled to the landing near two miles. Small schooners convey it to the ships, which in calm weather approach within a mile, but unless in very calm weather it is an unsafe harbour for shipping, and the coal is taken by the schooners to Sidney, fifteen miles.

Pictou mine. It is twenty-nine feet thick, but ten only of the best of the coal are wrought. It has one seam of slate five inches. The shafts are from sixty to two hundred and forty feet deep. It is open-burning coal, hard, and is mined with powder. Lignite, and some other impurities are found in some parts of the vein. The coal is mined for one and nine pence the cubic yard, and one and five pence for filling. The miner finds powder, and the company find tools. It is conveyed about a mile to the landing on a rail road, and from thence about six miles to the shipping.

British coals may be divided as follows: The northern and southern parts of the island produce open-burning coals, and anthracite. The latter species is very abundant near Swansea, in Wales. The middle parts of the island produce softer coals, although there are many exceptions to this division. A few years ago I assisted a ship owner, who came to Philadelphia with two vessels and cargoes of coal from Sunderland, to form some estimate of the American market for New Castle coals, and the result was, with the then cost and charges in England and duties here, a coal trade could not be carried on with the United States for less than forty-two cents per bushel, or thirteen dollars per ton, so that competition could not be expected from that quarter. It is a fact not to be overlooked in Pennsylvania, that the prosperity of Great Britain, and the maintenance of her canals and rail roads depend primarily on her coal mines. One half the amount of coal consumed in London annually, transported on the public improvements from this location to Philadelphia, at five mills per ton, will pay a yearly interest on the state debt.

Transportation is the next matter of consideration. At the present time this coal cannot be transported to market, either by land, or by canal.

The Locomotive company have expended large sums of money to mine their coal, and to provide means of transportation, while the state was also making liberal appropriations, to provide other and better facilities for the same purpose. Thus far the designs and expenditures of both parties, promise but little to the coal interests of this section of the state for some years to come. A steamboat, and ten additional boats, designed to be towed by her, were constructed under an understanding that they might be advantageously used, between the mines and Pennsborough, to convey coal to the canal, or bring up canal boats to be loaded. This arrangement was made under representations, that the dam would not be built till next year, and when built, it would fill the canal, and be provided with a side lock, which would enable us to use the river, till the canal should be permanently useful. This representation was continued to us, even till within three days of closing the navigation of the river by obstructions.

Proposals for the construction of a side lock at the dam were invited by public advertisement, but we do not perceive that the plan of building is persevered in. In consequence of this change in the plan of constructing the state improvements our steamboats are useless. We are prevented from sending the coal to the canal at Pennsborough and returning the craft. By experience it is fully ascertained, that no extent of business can be done with arks, even if the four chutes were all in order at one time. The canal is not yet finished. The consequence is, that no practicable route is now left to this coal region, nor can any be expected under the existing form of the improvements for some years, and until the whole line of canal shall become permanent.—Had the state proceeded this season to construct its side

works, abutment, guard locks, chute, &c., and prosecuted vigorously the work of the main line, and the next season, when all the canal was nearly ready, had they put in the dam and free lock as proposed, the business of this company, and others in this vicinity, might have been continued regularly on the river to Pennsborough, and on the canals from Pennsborough, until the sections above that point became permanently in order. On the present system of high dams and chutes, I am convinced that no extensive business can be prosecuted for several years, either on the river or canal. The risk and loss on craft which conveys the property, cannot in most cases be sustained by it. The upper sections of this canal will not become of permanent and steady use in less than five years, and until it shall be known to be so, boats will not be constructed for it. It would in my opinion augment the revenue of the state from these canals, to construct free side locks at all the high dams. They are now often as oppressive on the boatmen and merchants, as they are on the river men. Instead of remaining weeks in broken sections of the canal, at a heavy expense, and injury to merchandize, if there were side locks, the boats would pass round such section by the river, with little additional expense, and prosecute their voyage. The state can always make a just discrimination in assessing her tolls to prevent unfair evasion. E. G. Coal, which shall have passed over the whole line of canal, if in order, from the upper section to Columbia, should on a continued voyage over the rail road, be assessed lower than if it were run to Columbia by the river, and then despatched by the rail road. This policy is adopted in some of the canals and rail roads in England.

Unless something be done speedily to remove the discouragements, which are now impending over the coal resources of this district, including an extent of seventy miles, they must of necessity, all be abandoned; and I apprehend the Atlantic supplies will not be drawn, unless very partially, from Pennsylvania. Various efforts are now making in the Cumberland and Will's creek district, to supply the Chesapeake and the city of Philadelphia, from that quarter. There is also a strong Atlantic manufacturing interest in favour of taking off the duty on bituminous coal, and scarcely an interest, except the Pennsylvania improvements against it. If that were done, the coals of Pennsylvania cannot be supplied as low as the coals of Sidney and Pictou, which have been selling in Philadelphia at seven, to seven and a half dollars.

There is another consideration; for five years, we have continually heard of ruinous losses of property at the chutes, and incessant threats to demolish the public improvements. It is a sad spectacle to look abroad over one-third of the surface of the state, and see the inhabitants driven to lawless and desperate acts against its improvements. A small sum, a very small sum compared with the great expenditures of the state, would relieve and would satisfy them. If one free lock at a dam is not sufficient, give them two, if the two be not sufficient, give them three. If necessity force those people to open a navigable stream through the improvements, as it was said to have done last spring, those who rely on the use of the canal, will be the first and principal sufferers.

I have made the above suggestions particularly in reference to the interests, which I have the honour to represent, and under a knowledge, that the extent of business proposed by this company is of greater magnitude than the public have been apprised of. The height of the dam is unimportant to their interest, unless it be more liable to breaches.—We want an uninterrupted river navigation to the canal, where it is permanent.—We want an uninterrupted canal navigation as soon as our dependence can be placed upon it.—We want light toll assessments on our property, because its prime cost is very little. Its value in the market is principally money advanced, and our property cannot

sustain heavy charges. As to the state improvements we wish to repose our dependence upon them; and it, is a matter of extreme regret to us, that those who direct them, should have found it necessary to exclude the products of this district from them, as far and as fast as they are completed.

I am sir, most respectfully,

Your obedient servant,

WM. P. FARRAND.

S. J. PACKER, Esq.

From the Cincinnati Mirror.

THE FIRST FLAT BOAT ON THE MISSISSIPPI.

A friend called on us a few mornings since to accompany him to the shop of Mr. F. Shields, for the purpose of viewing an iron tablet, recently cast by Hanks & Niles of this city. It is to be erected to the memory of one of the pioneers of the West, and we should judge that it will perpetuate his name through many ages. It is very spacious, with large and deeply indented letters, and it is the first of the kind ever executed west of the Alleghenies.

The following is the inscription:

JACOB YODER,

Was born in Reading, Pennsylvania,

August 11th, 1738:

And was a Soldier in the Revolutionary Army
in 1777 and 1778.

He emigrated to the West in 1780, and in May,
1782, from Fort Redstone, on the
Monongahela River,
in the

FIRST FLAT BOAT

that ever descended the Mississippi.

He landed at New Orleans with a cargo of
produce.

He died April 7, 1832, at his Farm in Spencer
County, Kentucky, and lies here in-
terred beneath this tablet.

Capt. Jacob Yoder was a highly respectable and wealthy farmer of Spencer county, Ky. To him belongs the honor of having descended the Mississippi in the first flat boat. And if no other powers than those of time, and wind, and storm shall assail it, this tablet will preserve the fact recorded upon it thro' a long series of coming ages.

No one who has any pretensions to the possession of a soul can contemplate this tablet without a variety of emotions. A brilliant series of associations enchain the mind of the gazer, as with a spell, to that the man who navigated the first flat boat that ever descended the Mississippi should have lived to see a magnificent steamboat ploughing the same watery track, is a truth which affords a subject of much admiration. When he launched his little bark on the Monongahela, what were his anticipations? Such as time has proved? No, he then thought of the wily savage, whose covert was a wide and untrodden wilderness. He proceeded on his precarious voyage. Instead of cheering aspects of busy cities, flourishing villages, and cultivated farms, which now chain the voyager's attention, he saw a range of hills, unshorn of their primeval wilderness, whence the lugubrious howl of the wolf proceeded, the vast wilderness where the foot of civilized man had not trodden, "instinct," 'tis true, "with life," but it was the life of the forest denizen, the trembling fawn, and the myriad songsters of the wild. He reached his destination, but his safety was a marvel to himself, and his

dangers, in after recital, awakened up a fear stricken excitement in the minds of those who listened to his tale of perils "by field and flood." He lived to see country change masters, the wilderness blossom as the rose, and human energy achieve a conquest over a thousand obstacles. This is the greatest triumph that man has yet achieved. History records no parallel. To the future generations of America, it will be what the fabulous age of the Titans, was to the ancient Greeks.

From the Episcopal Recorder.

THE OLD SWEDES' CHURCH.

This venerable building was erected in the year 1700 and is the oldest church edifice in Philadelphia. Having been built to take the place of two houses of worship, which had already existed during more than half a century, and were then in a state of decay; the history of the Church itself, begins at a period much earlier than the date of these hallowed walls. By the merging of the two congregations into one, the organization of the present body may properly be placed immediately after the landing of the Swedes on the banks of the Delaware, in 1629. Thus presenting, as it were a connecting link between the present flourishing state of our happy country, teeming with all the blessings of liberty and peace, and enjoying the meridian splendor of Gospel day, and the time when the standard of civilization was raised in the primeval forest, and the glad tidings of salvation were, for the first time, proclaimed to the benighted heathen of this region. Here it may be proper to notice a fact generally overlooked in the published accounts of missions, which is, that the first missionary to the heathen in this region (and perhaps the first ever sent by a Protestant Church) was the Rev. Reorus Torkillus, a minister of the Swedish Church, who accompanied the early settlers, and after faithful and successful labours, died at Fort Christina, in 1643.

That the conversion of the Indians was one of the objects of the Swedish settlement on these shores, is plain, from the fact that the principal argument used to induce the formation of a company to send out a colony, was "That the Christian religion would by that means be planted among the heathen." And that this design was carried into effect, is evident from the reports of the early missionaries, and especially from the fact of the Rev. Campanius Holm's having translated Luther's Catechism into the language of the Delaware Indians, which has since been published, and is now extant. This gentleman arrived in the colony on the 16th February, 1643, and preached at Christina and also at Tinicum, where the Swedes erected a church, which he consecrated on the 4th of September, 1643. In a communication on the subject of the Indians, he says, that "he succeeded so far that many of those barbarians were converted to the Christian faith." He returned home in 1648. About this time a settlement was commenced at Kingsessing. It was called the New Fort. It was not, however, properly speaking, a fort, but several substantial log houses, built of hickory, two stories high, sufficient to secure the people from the Indians. These were inhabited by five families, who, it is said, "cultivated the land and lived very well."

The Rev. Laurence Charles Lokenius succeeded Mr. Campanius Holm in the care of the churches at Tinicum and Christina, but on the taking of the colony by the Dutch, he gave up the church at Tinicum to a Dutch clergyman, the Rev. Jacob Fabritius. In the mean time the Rev. Israel Holgh arrived from Sweden, but soon returned home. The Rev. Peter ——— accompanied Governor Rising, in 1654, and in 1656, the Rev. Matthias ——— arrived in the colony. Both of these gentlemen returned home after residing here about two years.

The separation of the colony from the mother country

of course affected the Church. This occurred in September, 1655. The Dutch at New York taking advantage of the difficulties in which Sweden was involved, sent Governor Peter Stuyvesant with a force of six or seven hundred men in seven ships, commanded by Capt. Von-der-Donk, who falling unawares upon the colonists, plundered them of every thing they could lay their hands upon, laid waste their plantations, and soon took the forts. This unprovoked aggression did not, however, avail them much, for ten years after the English took possession of the whole country.

The Rev. Mr. Fabritius, who officiated at Wicaco, where some Swedes settled in 1654, and also at Tinicum, became blind about five years after he entered upon these duties, so that although he continued to act as pastor for sixteen years, yet the chief care of the congregations at Tinicum and Wicaco devolved upon a Swedish layman, Mr. Charles Cornelius Springer, who "sang psalms and prayed with the people, and read discourses to them out of a collection of Swedish sermons." This Mr. Springer was still in the exercise of these duties when the Rev. Mr. Rudman, who built the present "old Swedes' Church," arrived here, and he was afterwards employed by him as a catechist.

The money here mentioned, and also other sums were contributed, in the following proportions, viz: two-fifths by the Tinicum congregation, two fifths by the congregation at Wicaco, and one fifth by settlers on the banks of the Schuylkill, in the neighborhood of an Indian crossing-place afterwards called the Swedes Ford, and who, it seems, were very zealous Christians, for Mr. Rudman says of them, that although they "have sixteen miles to walk, or ride, to go to Church, nevertheless they very regularly attend divine service on Sundays."

In 1693, being without a pastor, the Swedish congregations wrote a letter to Sweden, requesting that two clergymen might be sent to them. This letter was signed by thirty heads of families, on behalf of the whole colony, which then consisted of 188 families, comprising 907 souls. It is written in a truly Christian spirit. Speaking of their own condition, they say, "We are almost all of us husbandmen, we plough and sow, and cultivate the land; and as to our meat and drink, we live according to the old Swedish custom. This country is very rich and fruitful: it produces, God be praised, all sorts of grain; all that we plant and sow gives us plentiful returns, so that we are richly supplied with meat and drink; we have here, God be thanked, all kinds of venison, birds, and fishes. Our wives and daughters employ themselves in spinning wool and flax, and many of them in weaving, so that we have good reason to thank the Almighty for our daily support. We only wish we had also good and faithful shepherds and guardians to our souls, who might feed us with the bread of life, such as the preaching of God's word and the administration of the sacraments according to our holy rites."

Speaking of books, &c., they say, "We also humbly request that there may be sent to us twelve Bibles, 3 books of sermons, forty-two psalm books, a hundred religious tracts, two hundred catechisms, and two hundred primers. As soon as we receive these books, we shall promptly and thankfully pay for the same. And as the priests will require to be supported, we engage ourselves to maintain them to the best of our abilities." There seems to have been great need of books, as the missionaries on their arrival only found three in the whole colony, but yet so anxious were the people for the improvement of their children, that these had been lent from one to the other, so that all could read.

The result of this application was the appointment by king Charles XI. in 1696, of two clergymen selected by the archbishop of Upsal. One of these, the Rev. Andreas Rudman, on his arrival here, in 1697, took charge of the congregation at Tinicum and Wicaco, and finding the Churches old and in bad condition, he proposed to supply the place of the two by one, which it

was determined, after some discussions and delay, should be built at Wicaco. The manner in which he was received by the people, and their zeal for the Church, are very happily expressed in a letter to Sweden; he says, "In order to build our church, we are about to raise the sum of four hundred pounds sterling; but that will not be difficult, they are so very glad to have us among them, they look upon us as if we were angels from heaven. Of this they have assured me with many tears; and we may truly say, that there is no place in the world where a priest may be so happy and so well beloved as in this country."

"The English have received us extremely well, and some of them even come to our meetings. We live scattered among the English and Quakers, yet our language is preserved, as pure as any where in Sweden. There are about twelve hundred persons that speak it."

"The houses are built after the Swedish manner, the women brew excellent beer, as in Sweden; they have also a liquor made of apples, which they call cider, it is very pleasant to the taste, and very wholesome."

With a part of these moneys the site where the Church now stands and adjacent grounds were purchased, an acre and three-quarters of land. Afterwards one acre adjoining, and then twenty-five acres were purchased; altogether twenty-seven acres and three-quarters, extending from the river Delaware to Ninth street, and now bounded on the north by Christian street. A strip of land on the north side of that street, near the river, was afterwards exchanged for two squares higher up, which together form the landed estate with which the Church is endowed. The building was commenced toward the close of 1699, and was consecrated, as the Church of Gloria Dei on the 2d of July 1700, being the first Sunday after Trinity. At that time this building was thought so splendid, that "the English themselves," says the missionary, "who now govern this province and are beyond measure richer than we are, wonder at what we have done. It is but lately that two governors with their suites have come to this place and visited our Church. The one is Francis Nicholson, Governor of Virginia, and our great patron—the other is named Blackstone, and is Governor of Maryland." But alas! such has been the increase of luxury since those good old times, that it is now so far eclipsed by the costly structures of modern days, as only to be known and spoken of as the "Old Swedes' Church." The Rev. Mr. Rudman died in 1708, and was buried in the chancel of the Church, as appears by a tomb-stone placed there. His successor, the Rev. Andreas Sandal, returned after some years to Sweden, and was followed by the Rev. James Lidman, who came in 1719, and went home in 1730. The pulpit being now vacant, the Rev. J. Eusberg, took care of the Church. In 1733 some improper person took possession of the Church, but was deposed in the same year. In 1737 the Rev. John Dylander arrived, he was much beloved, and had a remarkable talent for singing. He died in 1741, and was also buried in the Church. The Rev. Gabriel Näsman, arrived in 1743, and returned home in 1751. The Rev. Olavus Parlin came in 1749, died much respected in 1757, and was buried with his predecessors in the chancel.

The Rev. Carolus Magnus Wrangle came in 1759, and went home in 1768. During his ministry the Church prospered exceedingly. Soon after his arrival, he induced that part of the congregation which resided near the Swedes' Ford, to build a place of worship in their own neighbourhood, so as to avoid the necessity of coming to worship at Wicaco, which, from their increased numbers as well as the distance, was inconvenient. This good example was soon followed by that portion of the congregation which resided in and near Kingessing, where, in 1762, a very substantial and spacious stone building was erected, and named St. James' Church. This zeal on the part of the country mem-

bers was the more commendable, as they had already contributed the largest portion of the funds used in building the Church, and buying the lands at Wicaco, and they further agreed to keep these new Churches in good repair, so that the rents of their land might be applied exclusively, as was originally intended, to the support of the Clergymen. In 1765 the congregation was incorporated by the proprietaries of the province, under the name of "the United Swedish Lutheran Churches of Wicaco, Kingessing, and Upper Merion, called Gloria Dei, Saint James, and Christ Church." This act was confirmed and amended in 1787, so as to allow the congregation when the mission from Sweden should cease, to choose their clergymen, confining them however in such choice to the Lutheran or Episcopal Church. The next missionary was the Rev. Andreas Goranson: he came in 1767, and returned home in 1785. After him came the late venerable pastor, the Rev. Nicholas Collin, the last of the Swedes. He was first at Swedesborough, in New Jersey, and came to Wicaco in 1786, where, after a long and useful life, he died universally respected, on the 7th of October, 1831, aged 86 years. The clergy at present connected with this congregation are the Rev. Jehu Curtis Clay, Rector, and the Rev. Reymond A. Henderson, assistant minister.

The reader of this humble sketch will readily apprehend the great change which the lapse of ages has made; a change which has not even spared the names of the early Swedes and others. A writer of the last century notices this: he says, Bengtson has been changed to Bankson, Gostafohn to Justis, Hendreckson to Henderson, Kyn to Keen, Johansson to Jones, Vonderdonk to Onderdonk, Colsberg to Colesberry, &c., yet some remain unchanged, as Rambo, Holstein, Stille, Hedelius, &c. In other matters, while unimportant things have changed, the substantial remain: for instance, the present generation of the men, while they have acquired the manners of the times, still cherish the open hospitality and sturdy honesty of their ancestors, and the women, with the grace and intelligence of the present day, retain and practice the domestic virtues and laborious attention to household affairs for which their Swedish mothers were so highly and so justly prized. So in the old Church externals have changed; of the painted altar piece only some of the rude ornaments remain; the mantal pipes of the old organ, which were intended to sound the praises of the Creator, were melted down in the war of independence, to make bullets to destroy his creatures—the bell has been recast—the Swedish liturgy has given place to the English—those who worshipped there in past ages are gone. But God be praised, the essentials remain. The faith once delivered to the Saints is still retained.—From the pulpit and the desk the same pure evangelical doctrines, the same prayers and the same praises are heard from the lips of those pious men whose mortal remains now repose beneath the preacher's feet.

H.

From the United States Gazette.

OPENING OF THE PENNSYLVANIA RAILWAY.

April 16th.

One track of this important State improvement being completed, arrangements were made by Mr. S. R. Slaymaker, of Lancaster, for passing a train of cars from that city to Philadelphia, on Wednesday. The members of the Legislature, from the city of Philadelphia and the counties adjacent to the line of the road, with others, arrived at Columbia on Tuesday evening, by the canal packet from Harrisburg, and were immediately conveyed to Lancaster, in a train drawn by the locomotive. Black Hawk—the engine performing the trip in fifty-five minutes.

On Wednesday morning, a train of cars was again attached, and left North Queen street, at eight o'clock,

arrived at the Gap at ten, passed with ease the works there constructed, and arrived at the head of the inclined plane, near the Schuylkill at half past four in the afternoon—having made the trip in eight hours and a half, all stoppages for taking in water, receiving and discharging passengers, and incidental delays, included. If it be borne in mind, that the engine is one of very limited power, that the number of passengers was large, the weight of cars and baggage very considerable, and that the passage was made under the disadvantages inseparable from first attempts, all will concur in awarding to the engineer, and those in charge of the locomotive and train of cars, great praise for their skill in effecting so successful and gratifying an issue of the undertaking.

The passengers were under special obligations to Mr. S. R. Slaymaker, for his assiduous attention to their comfort on the route, and his politeness in furnishing them with refreshments near Coatesville; at which point, also, many of them enjoyed the hospitality of Mr. Miller, whose house was in the most friendly manner opened for their accommodation.

Throughout the whole line, the progress of the train was hailed with hearty acclamations, by crowds of persons collected to witness the novel spectacle. An immense concourse of citizens was also assembled at the head of the inclined plane, to greet its arrival at that point. The locomotive was there detached, the cars passed down without obstruction or serious difficulty, and thence conveyed to Broad street, and other points in the city—receiving among others, a friendly reception and kind entertainment at the hotel of Mr. Renshaw.

The following is a list of the persons who came as passengers in the first train of cars; besides whom numerous way passengers rode short distances.

Members of the Legislature.

W. H. Stokes	Samuel McClean
Gen Wm. T. Rodgers	Oliver Alison
Abm. Miller	Wm. Jackson
James Goodman	J. Kern
Thomas J. Heston	John M. Jones
Samuel Anderson	John Rheiner Jr.
Wm. Noble	Jos. Taylor
C. Bertels	John H. Bispham
W. Watson	John Matheys
Thomas L. Smith	

Canal Commissioners,

James Clarke	Robt. McCoy
John Mitchell	

Chief Engineer of the Allegheny Railway,
Silvester Welch.

An Engineer of the Pennsylvania Canal,
Wm. H. McCutchen.

Officers of the Columbia and Philadelphia Railway.
Wm. B. Mitchell, Superintendent,
Engineer Corps.

E. F. Gay	W. H. Wilson
D. Griffin	C. O. Sanford
Robert Pettit	Jos. Ogilby, Jr.
Wm. K. Huffnagle	A. B. Stoughton
J. L. Glenn	Richard Peters Jr.
John A. Sheaff	Wm. Torbert
P. Lyon	J. Davis
J. Pemberton	J. H. Grant
Charles Senickson.	

Passengers.

P. Reitzel, R. Moderwell, Wm. Wagner, R. S. Jones, M. D., Mos. Moore, Saml. Wagner, John Jeffries, S. Steinback, Isaac Downing, A. G. Webster, J. Carles, Wm. Mason, Geo. Webster, A. Marrara, David D. Bathol, Jacob Johnson, Jacob Printer, Jr., George Thomas, M. D., R. M. Thomas, Brinton Jacobs, Wilson Buffington, Enoch P. Davis, Thos. D. Carson, M. Malone, B. Cornelius, A. Noble, J. Clarke, V. Dodge, D. Brooke, J. M. Downing, T. S. Downing, R. J. Downing.

PRESIDENT'S MESSAGE—BANK DIRECTORS.

WASHINGTON, March 11th, 1834.

To the Senate:

I renominate Henry D. Gilpin, Peter Wager, and John T. Sullivan, of Philadelphia, and Hugh McKelderry, of Baltimore, to be Directors in the Bank of the United States, for the year 1834.

I disclaim all pretension, of right, on the part of the President, officially to inquire into, or call in question, the reasons of the Senate for rejecting any nomination whatsoever. As the President is not responsible to them for the reasons which induce him to make a nomination, so they are not responsible to him for the reasons which induce them to reject it. In these respects, each is independent of the other, and both responsible to the respective constituents. Nevertheless, the attitude in which certain vital interests of the country are placed by the rejection of the gentlemen now renominated, require of me frankly to communicate my views of the consequences which must necessarily follow this act of the Senate, if it be not reconsidered.

The characters and standing of these gentlemen are well known to the community, and eminently qualify them for the offices to which I propose to appoint them. Their confirmation by the Senate, at its last session, to the same offices, is proof that such was the opinion of them entertained by the Senate at that time; and unless something has occurred since to change it, this act may now be referred to as evidence that their talents and pursuits justified their selection.

The refusal, however, to confirm their nominations to the same offices shows that there is something in the conduct of these gentlemen, during the last year, which, in the opinion of the Senate, disqualifies them; and as no charge has been made against them as men or citizens, nothing which impeaches the fair private character they possessed when the Senate gave them their sanction at its last session; and as it moreover appears from the journal of the Senate, recently transmitted for my inspection, that it was deemed unnecessary to inquire into their qualifications or character; it is to be inferred that the change in the opinion of the Senate has arisen from the official conduct of these gentlemen. The only circumstances in their official conduct, which have been deemed of sufficient importance to attract public attention, are the two reports made by them to the Executive Department of the Government; the one bearing date the 22d day of April, and the other the 19th day of August last; both of which reports were communicated to the Senate by the Secretary of the Treasury, with his reasons for removing the deposits.

The truth of the facts stated in these reports is not, I presume, questioned by any one. The high character and standing of the citizens by whom they were made, prevent any doubt upon the subject. Indeed, the statements have not been denied by the President of the Bank, and the other Directors. On the contrary, they have insisted that they were authorized to use the money of the Bank in the manner stated in the two reports, and have not denied that the charges there made against the corporation are substantially true. It must be taken, therefore, as admitted, that the statements of the public Directors, in the reports above mentioned, are correct; and they disclose the most alarming abuses, on the part of the corporation, and the most strenuous exertions, on their part, to put an end to them. They prove that enormous sums were secretly lavished, in a manner, and for purposes, that cannot be justified; and that the whole of the immense capital of the Bank has been virtually placed at the disposal of a single individual, to be used if he thinks proper, to corrupt the press, and to control the proceedings of the Government, by exercising an undue influence over elections.

The reports were made in obedience to my official directions; and I herewith transmit copies of my letters

calling for information of the proceedings of the Bank. Were they bound to disregard the call? Was it their duty to remain silent, while abuses of the most injurious and dangerous character were daily practised? Were they bound to conceal from the constituted authorities a course of measures destructive to the best interests of the country, and intended gradually and secretly to subvert the foundations of our Government, and to transfer its powers from the hands of the people to a great monied corporation? Was it their duty to sit in silence at the Board, and witness all these abuses, without an attempt to correct them; or, in case of failure there, not to appeal to higher authority? The eighth fundamental rule authorizes any one of the Directors, whether elected or appointed, who may have been absent when an excess of debt was created, or who may have dissented from the act, to exonerate himself from personal responsibility by giving notice of the fact to the President of the United States; thus recognising the propriety of communicating to that officer the proceedings of the Board in such cases. But, independently of an argument to be derived from the principle recognised in the rule referred to, I cannot doubt for a moment that it is the right and the duty of every Director at the Board to attempt to correct all illegal proceedings, and, in case of failure, to disclose them; and that every one of them, whether elected by the Stockholders or appointed by the Government, who had knowledge of the facts and concealed them, would be justly amenable to the severest censure.

But in the case of the public Directors it was their peculiar and official duty to make the disclosures: and the call upon them for information could not have been disregarded without a flagrant breach of their trust. The Directors appointed by the United States cannot be regarded in the light of the ordinary Directors of a Bank appointed by the Stockholders, and charged with the care of their pecuniary interests in the corporation. They have higher and more important duties. They are public officers. They are placed at the Board not merely to represent the stock held by the United States, but to observe the conduct of the Corporation, and to watch over the public interests. It was foreseen that this great monied monopoly might be so managed as to endanger the interests of the country; and it was therefore deemed necessary, as a measure of precaution, to place at the Board watchful sentinels, who should observe its conduct, and stand ready to report to the proper officers of the Government every act of the Board which might affect injuriously the interests of the People.

The whole frame of the charter, as well as the manner of their appointment, proves this to be their true character. The United States are not represented at the Board by these Directors merely on account of the stock held by the Government. The right of the United States to appoint Directors, and the number appointed, do not depend upon the amount of the stock; for if every share should be sold, and the United States cease to be a stockholder altogether, yet under the charter, the right to appoint five directors would still remain. In such a case what would be the character of the directors? They would represent no stock, and be chosen by no stockholder. Yet they would have a right to sit at the board; to vote on all questions submitted to it; and to be made acquainted with all the proceedings of the Corporation. They would not, in such a case, be ordinary directors chosen by the stockholders in proportion to their stock. But they would be public officers appointed to guard the public interests; and their duties must conform to their office. They are not the duties of an ordinary director chosen by a stockholder; but they are the peculiar duties of a public officer, who is bound on all occasions to protect, to the utmost of his lawful means, the public interests; and, where his own authority is not sufficient to prevent injury, to inform those to whom the law has confided

the necessary power. Such, then, is the character, and such are the duties, of the directors appointed by the United States, whether the public be stockholders or not. They are officers of the United States, and not the mere representatives of a stockholder.

The mode of their appointment, and their tenure of office, confirm this position. They are appointed, like other officers of the Government, and by the same authority. They do not hold their offices irrevocably a year after their appointment; on the contrary, by the express terms of the law, they are liable to be removed from office at any time by the President, when in his judgment the public interests shall require it. In every respect, then, for, in which the subject can be considered, it is evident that the five directors appointed by the United States are to be regarded as public officers; who are placed there in order to observe the conduct of the corporation, and to prevent abuses which might otherwise be committed.

Such being the character of the Directors appointed on behalf of the United States, it is obviously their duty to resist, and in case of failure to report to the President, or to the Secretary of the Treasury, any proceedings of the Board by which the public interest may be injuriously affected. The President may order a *scire facias* against the Bank, for a violation of its charter; and the Secretary of the Treasury is empowered to direct the money of the United States to be deposited elsewhere, when, in his judgment, the public interest require it to be done. The Directors of this Bank, like all others, are accustomed to sit with closed doors, and do not report their proceedings to any Department of the Government. The monthly return, which the charter requires to be made to the Treasury Department, gives nothing more than a general statement of its pecuniary condition; and of that but an imperfect one. For, although it shows the amount loaned at the Bank and its different branches, it does not show the condition of debtors, nor the circumstances under which the loans were made. It does not show whether they were in truth accommodations granted in the regular and ordinary course of business, upon fair banking principles, or from other motives. Under the name of loans, advances may be made to persons notoriously insolvent, for the most corrupt and improper purposes; and a course of proceedings may be adopted, in violation of its charter, while upon the face of its monthly statement, every thing would appear to be fair and correct.

How, then, is the Executive branch of the Government to become acquainted with the official conduct of the public directors, or the abuses practised by the Corporation for its private ends, and in violation of its duty to the public? The power of displacing the public directors, and that of issuing a *scire facias*, and of removing the deposits, were not intended to be idle and nugatory provisions, without the means of enforcement. Yet they must be wholly inoperative and useless, unless there be some means by which the official conduct of the public directors, and the abuses of power on the part of the Corporation, may be brought to the knowledge of the Executive Department of the Government.

Will it be said, that the power is given to the Secretary of the Treasury to examine, himself, or by his authorized agent, into the conduct and condition of the Bank? The answer is obvious. It could not have been expected or intended that he would make an examination, unless information was first given to him which excited his suspicions; and if he did make such a general examination, without previous information of misconduct, it is most probable, that in the complex concerns and accounts of a bank, it would result in nothing, whatever abuses might have been practised.

It is, indeed, the duty of every director to give information of such misconduct on the part of the board. But the power to issue a *scire facias*, and to remove the

deposits, pre-supposes that the directors elected by the stockholders might abuse their power; and it cannot be presumed that Congress intended to rely on these same directors to give information of their own misconduct. The Government is not accustomed to rely on the offending party to disclose his offence. It was intended that the power to issue a *scire facias*, and remove the deposits, should be real and effective. The necessary means of information were therefore provided in the charter; and the five officers of the Government appointed, in the usual manner, responsible to the public and not to the stockholders, were placed as sentinels at the Board, and are bound, by the nature and character of their office, to resist, and, if unsuccessful, to report to this proper authority every infraction of the charter, and every abuse of power, in order that the measures should be taken to punish or correct; and, in like manner, it is their duty to give, when called upon, an explanation of their own official conduct touching the management of the institution.

It was, perhaps, scarcely necessary to present to the Senate these views of the power of the Executive, and of the duties of the five Directors appointed by the United States. But the Bank is believed to be now striving to obtain for itself the government of the country; and is seeking, by new and strained constructions, to wrest from the hands of the constituted authorities the salutary control reserved by the charter. And, as misrepresentation is one of the most usual weapons of attack, I have deemed it my duty to put before the Senate, in a manner not to be misunderstood, the principles on which I have acted.

Entertaining, as I do, a solemn conviction of the truth of these principles, I must adhere to them, and act upon them with constancy and firmness.

Aware, as I now am, of the dangerous machinations of the Bank, it is more than ever my duty to be vigilant in guarding the rights of the People from the impending danger. And I should feel that I ought to forfeit the confidence with which my countrymen have honored me, if I did not require regular and full reports of every thing in the proceedings of the Bank, calculated to affect injuriously the public interests, from the public Directors. And, if the Directors should fail to give the information called for, it would be my imperious duty to exercise the power conferred on me by the law, of removing them from office, and of appointing others who would discharge their duties with more fidelity to the public. I can never suffer any one to hold office under me who would connive at corruption, or who should fail to give the alarm, when he saw the enemies of Liberty endeavoring to sap the foundations of our free institutions, and to subject the free People of the United States to the dominion of a great monied corporation.

Any Directors of the Bank, therefore, who might be appointed by the Government, would be required to report to the Executive as fully as the late Directors have done, and more frequently, because the danger is more eminent; and it would be my duty to require of the Corporation, or any of its officers, in order that I might be enabled to decide whether I should exercise the power of ordering a *scire facias*, which is reserved to the President by the charter, or adopt such other lawful measures as the interests of the country might require. It is too obvious to be doubted that the misconduct of the Corporation would never have been brought to light by the aid of a public proceeding at the Board of Directors. The Board, when called on by the Government Directors, refused to institute an inquiry, or require an account; and the mode adopted by the latter was the only one by which the object could be attained. It would be absurd to admit the right of the Government Directors to give information, and at the same time deny the means of obtaining it. It would be but another mode of enabling the Bank to conceal its proceedings, and practice with impunity its corrup-

tions. In the mode of obtaining the information, therefore, and in their efforts to put an end to the abuses disclosed, as well as in reporting them, the conduct of the late Directors was judicious and praise-worthy; and the honesty, firmness, and intelligence which they have displayed, entitle them, in my opinion, to the gratitude of the country.

But, if I do not mistake the principles on which the Senate have recently rejected them, the conduct which I deem worthy of praise, they treat as a breach of duty; and, in their judgment, the measures which they took to obtain the information, and their efforts to put an end to the practices disclosed, and the reports they have made to the Executive, although true in all their parts, are regarded as an offence, and supposed to require some decisive mark of strong disapprobation.

If the views of the Senate be such as I have supposed, the difficulty of sending to the Senate any other names than those of the late Directors, will be at once apparent. I cannot consent to place before the Senate the name of any one who is not prepared, with firmness and honesty, to discharge the duties of a public Director, in the manner they were fulfilled by those whom the Senate have refused to confirm. If, for performing a duty lawfully required of them by the Executive, they are to be punished by the subsequent rejection of the Senate, it would not only be useless, but cruel, to place men of character and honor in that situation, if even such men could be found to accept it. If they failed to give the required information, or to take proper measures to obtain it, they would be removed by the Executive. If they gave the information, and took proper measures to obtain it, they would, upon the next nomination, be rejected by the Senate. It would be unjust, in me, to place any other citizens in the predicament in which this unlooked for decision of the Senate has placed the estimable and honorable men who were Directors during the last year.

If I am not in error in relation to the principles, upon which these gentlemen have been rejected, the necessary consequences will be that the Bank will hereafter be without Government Directors, and the people of the United States must be deprived of their chief means of protection against its abuses: for whatever conflicting opinions may exist as to the rights of the Directors, appointed in January, 1833, to hold over until new appointments shall be made, it is very obvious that, whilst their rejection by the Senate remains in force, they cannot, with propriety, attempt to exercise such a power. In the present state of things, therefore, the corporation will be enabled effectually to accomplish the object it has been so long endeavouring to obtain. Its exchange committees, and its delegated powers to its President, may hereafter be dispensed with, without incurring the danger of exposing its proceedings to the public view. The sentinels which the law had placed at its board can no longer appear there.

Justice to myself and to the faithful officers by whom the Public has been so well and so honorably served, without compensation or reward, during the last year, has required of me this full and frank exposition of my motives for nominating them again, after their rejection by the Senate. I repeat that I do not question the right of the Senate to confirm or reject at their pleasure; and if there had been any reason to suppose that the rejection in this case had not been produced by the causes to which I have attributed it, or if my views of their duties, and the present importance of their rigid performance, were other than they are, I should have cheerfully acquiesced, and attempted to find others who would accept the unenviable trust. But I cannot consent to appoint directors of the Bank to be the subservient instruments, or silent spectators, of its abuses and corruptions; nor can I ask honorable men to undertake the thankless duty, with the certain prospect of being rebuked by the Senate for its faithful performance in pursuance of the lawful directions of the Executive.

I repeat that I do not claim a right to inquire into, or officially to censure, the acts of the Senate. But the situation in which the important interests of the American people, vested in the Bank of the United States, and affected by its arrangements, must necessarily be left by the rejection of the gentlemen now re-nominated, has made it my duty to give this explanation to the Senate, and submit the matter to their re-consideration. If it shall be determined by the Senate that all channels of information in relation to the corrupt proceedings of this dangerous corporation, shall be cut off, and the Government and country left exposed to its unrestrained machinations against the purity of the press, and public liberty, I shall after having made this effort to avert so great an evil, rest, for the justification of my official course, with respectful confidence, on the judgment of the American people.

In conclusion, it is proper I should inform the Senate that there is now no Government Director appointed for the present year: Mr. Bayard, who was nominated and confirmed by the Senate, having refused to accept that appointment.

ANDREW JACKSON.

REPORT OF THE COMMITTEE OF FINANCE ON THE ABOVE MESSAGE.

IN SENATE, MAY 1, 1834.

Mr. Tyler, from the committee on Finance, to which was referred the message of the President of the 11th of March, re-nominating Henry D. Gilpin, Peter Wager, John T. Sullivan, and Henry McElderry, as Directors of the Bank of the United States, submitted the following report:

The committee have bestowed upon the subject the reflection which respect for the Chief Magistrate would at all times command. The President, at an early day of the session, submitted the nomination to the Senate, of five persons, as Directors of the Bank of the United States. To one of these nominations the Senate assented; and the person nominated was appointed. In regard to the four others, being the same persons now re-nominated to the Senate, no definitive decision was made until the 27th day of February, when they were each separately rejected by ayes and noes. The subjects, in the mean time, with which these nominations were in some degree connected, had undergone a full and elaborate discussion in the Senate. The decision, therefore, was well calculated to satisfy the President that the Senate entertained objections to the confirmation of these four persons; and the journals of which the President usually sees a copy, could not fail to show that each and every one of them was rejected by a clear majority of the whole Senate.

The precise character of the objections taken by each and every member of the majority, or even the general character of such objections, it would be presumptuous in the committee to attempt to ascertain. They cannot be expected to go into private conference with members, and to interrogate either those of the majority or minority, upon this or any other question, as to the reasons of their votes. It must be obvious that from the constitution of the Senate; from the manner of its proceedings; from the absolute right of every member to vote for or against particular nominations for reasons of his own, whether others concur with him in those reasons or not, the grounds of the votes of individual members can never be set forth, nor authentically known. The committee cannot undertake any inquiry into such grounds of individual opinion; nor do they know any form in which the Senate itself, if it were so inclined, could compel individuals to state the reasons of their votes. The committee, therefore, do not suppose it proper for the Senate, by any proceeding to be adopted on its part, to undertake to set forth the reasons of members for rejecting these persons. It is enough that the Senate, in the exercise of an unques-

tional constitutional right, has refused its advice and consent to the nominations. This has been officially certified to the President, and the committee think there is no ground for further inquiry.

The President disclaims, indeed, in terms, all right to inquire into the reasons of the Senate for rejecting any nomination; and yet the message immediately undertakes to infer, from facts and circumstances, what those reasons, which influenced the Senate in this case, must have been, and goes on to argue, much at large, against the validity of such supposed reasons. The committee are of opinion, that if, as the President admits, he cannot inquire into the reasons of the Senate for refusing its assent to nominations, it is still more clear that those reasons cannot, with propriety, be assumed, and made subjects of comment.

In cases in which nominations are rejected, for reasons affecting the character of the persons nominated, the committee think that no inference is to be drawn, except what the vote shows; that is to say, that the Senate withhold its advice and consent from the nominations. And the Senate, not being bound to give reasons for its votes, in these cases, it is not bound, nor would it be proper for it, as the committee think, to give any answer to remarks founded on the presumption of what such reasons must have been, in the present case.—They feel themselves therefore, compelled, to forego any response whatever to the message of the President, in this particular, as well by the reasons before assigned, as out of respect to that high officer. The President acts upon his own views of public policy, in making nominations to the Senate; and the Senate does no more when it confirms or rejects such nominations.

For either of these co-ordinate departments to enter into the consideration of the motives of the other would not, and could not fail, in the end, to break all harmonious intercourse between them. This, your committee would deplore as highly injurious to the best interests of the country. The President, doubtless, asks himself, in the case of every nomination for office, whether the person be fit for the office; whether he be actuated by correct views and motives; and whether he be likely to be influenced by those considerations which should alone govern him in the discharge of his duties; is he honest, capable, and faithful? Being satisfied in these particulars, the President submits his name to the Senate, where the same inquiries arise, and its decision should be presumed to be dictated by the same high considerations as those which govern the President, in originating the nomination. For these reasons, the committee have altogether refrained from entering into any discussion of the legal duties and obligations of directors of the Bank appointed by the President and Senate, which form the main topic of the message.

The committee would not feel that it had fully acquitted itself of its obligations, if it did not avail itself of this occasion to call the attention of the Senate to the general subject of re-nomination.

The committee do not deny that a right of re-nomination exists; but they are of opinion, that in very clear and strong cases only, should the Senate reverse decisions which it has deliberately formed and officially communicated to the President. In military and naval appointments it is possible that questions, not of personal fitness for office, but of the right of individuals to rank and grade, may arise between the President and Senate; and that nominations may be rejected, pending such questions, which might properly be renewed under other laws, or a new state of circumstances.—And in regard, too, of diplomatic appointments, the question may, perhaps, sometimes turn, not on the fitness of the person nominated, but on the propriety of any appointment, or of any such mission as is proposed.

If new information should be given, shedding new light satisfactory to the Senate, in such case it may be a proper reason for agreeing to nominations once re-

jected; nor will the committee say that there may not be other cases in which a person once rejected may be properly again presented to the Senate. But the committee think that in a case in which the decision of the Senate has been deliberately made upon the sole question of the fitness of the persons for the offices to which they are nominated, and its assent has been withheld, it ought not, without very strong and clear reasons, to change that decision upon a re-nomination.

The committee has caused the journals of the Senate to be examined in reference to the practice of re-nomination, and they find that, during the presidential terms of General Washington, Mr. John Adams and Mr. Jefferson no instance of re-nomination to office once occurred; and yet there are not wanting instances of the rejection of nominations made by those illustrious citizens, the motives for which it would now be difficult to ascertain. To illustrate this, it is only necessary to select the case of Colonel Fishburn, a gallant soldier of the revolution who was nominated by General Washington, as the collector of Savannah, and was rejected by the Senate. And, although the President was obviously mortified by the decision, the nomination having been made in a great measure upon his personal knowledge of the individual, he contented himself, after the rejection, with addressing a letter to the Senate, containing his reasons for the nomination of Colonel Fishburn, and accompanied that message with the name of another individual.

During the administration of Mr. Madison two instances occur of renominations of the same persons to the same offices to which they had originally been nominated. Abraham Quackenbush was nominated as an ensign and rejected—renominated and confirmed.—And George Brown was nominated a Collector for the first Collection District of Maryland; and after a rejection was re-nominated and confirmed. What reasons influenced the President to pursue this course in the two instances referred to, or the Senate to concur in it, the committee have no means of ascertaining. During the administration of Mr. Monroe, the instances of re-nomination became more frequent; but several of them were nominations to military appointments, and, in a majority of the cases, no direct vote rejecting the nominations had passed the Senate. The cases of re-nomination by Mr. Monroe, after a rejection, were James Gadsden, as Adjutant General, and Nathan Towson as Colonel; Charles Vandeverter, as Navy Agent, and Duff Green, as receiver; all of which were rejected on their re-nomination.

The two first nominations were purely military; and involved an interesting and difficult question of grade, and, in the opinion of the President, called for the most minute and elaborate investigation. What motives impelled to the re-nomination of the two last, the committee cannot undertake to say. During the four years of Mr. John Q. Adams' administration, no instance of re-nomination appears to have occurred; unless the nomination of Amos Binney, whose nomination previously made by Mr. Monroe, had been postponed, and that of Peter Saily, whose nomination by Mr. Monroe, had been laid upon the table at the last day of the Session, and who at the commencement of the succeeding Executive session, was again presented to the Senate, are to be considered as re-nominations. Since the 3d of March, 1829, four instances of re-nominations, after rejection by the Senate, have occurred. In two of these instances, the persons re-nominated were again rejected; in the third the nomination were agreed to; and the fourth is the case now before us.

The committee perceive, with regret, an intimation in the message that the President may not see fit to send to the Senate the names of any other persons to be Directors of the Bank except those whose nominations have been already rejected. While the Senate will exercise its own right, according to its views of its duty, it will leave to other officers of the Government

to decide for themselves on the manner they will perform their duties. The committee know no reason why these offices should not be filled, or why, in this case, no further nomination should be made, after the Senate has exercised its unquestionable right of objecting particular persons who have been nominated, any more than in other cases. The Senate will be ready, at all times, to receive and consider any such nominations as the President may present to it. It claims no authority to control him in his nominations, but it cannot surrender the exercise of its own right of deciding for itself on the propriety of advising and consenting to appointments to office. It cannot deprive itself of its own powers; cannot surrender its own constitutional character; it cannot through apprehension of any consequences whatever, forbear from exercising its high duty of giving or refusing its advice or consent to nominations of the President, in all cases, according to its conscientious sense of its own obligations to the constitution and to the country. If these offices of bank directors remain unfilled, the fault will not be the fault of the Senate. The case is like other cases of rejection. In other cases, other persons have been nominated in place of those rejected by the Senate and confirmed; and, if a different course shall be adopted on this occasion, it is a course for which the Senate cannot be responsible.

Their power of withholding their assent from the President's nominations is not altogether vain and nugatory, it was given them by the constitution to be exercised in proper cases, and in their own discretion. When exercised by them, the rights of no other Branch of Government are infringed or impaired, the Senate has only done its own duty, and, having done this honestly and conscientiously, it cannot fear any consequences.

The committee recommend that the Senate do not advise and consent to the appointment of the persons thus re-nominated.

REPORT TO COUNCILS.

The following is the report of the Committee, appointed to convey to Congress, the Memorial of the Select and Common Councils of the City of Philadelphia:—

The Committee appointed by the Select and Common Councils of the city of Philadelphia, on the 27th of March last, to proceed to Washington, with the memorial of those bodies, containing a statement of the losses sustained by the corporation, in consequence of the removal of the public deposits from the United States Bank, and soliciting a renewal of the Charter of that institution, with a restoration of its former relations to the government, respectfully offer the following Report:—

They commenced their journey to Washington on the 5th inst. and had proceeded as far as the City of Baltimore, before they learned the proceedings in the House of Representatives of the United States, on the day previous, sustaining the President in his measures against the Bank. After consulting together, they determined, notwithstanding this discouraging intelligence, to fulfil the directions of Councils, hoping they might be able to produce some favorable impressions by the documents with which they were furnished, and by the information which they conceived themselves able to communicate. And at all events, they believed it proper that the solemn appeal of the constituted authorities of the city of Philadelphia, should be heard in the Councils of the nation, on a subject of such vital importance to her interest.

Accordingly, as early as practicable after their arrival in Washington, they made arrangements for the presentation of your memorial in both Houses of Congress.

The copy for the House of Representatives was placed in the hands of the Hon. Horace Binney, one of the

representatives from this city, on the morning of the 7th inst. and was presented by him on the same day. At the time of performing this duty, he succinctly stated the manner in which these councils are constituted, the nature of their functions, and the many and important trusts committed to their care. All of which he illustrated and explained, in connection with the topics embraced in the memorial, in his own happy and impressive manner.

Notwithstanding, a great number of memorials of the same general tenor had already been presented and read, and the attention of the members had ceased to be engaged with the subject, your committee had the proud satisfaction of witnessing the interest and respectful attention which was manifested when he rose to speak. So different indeed from any thing they had previously observed in the same house, as to satisfy them that however the interests of the city of Philadelphia, may be disregarded by the general government, on that floor, at least, she is neither unheard or unhonoured:

The duplicate for the Senate, was committed to the care of the Hon. Samuel M'Kean; who accepted of the charge in the kindest manner, and the committee have great pleasure in bearing testimony to the zeal and promptitude with which he embraced the first opportunity to lay it before that august body.

Shortly after their arrival in Washington, the committee addressed a note to the President of the United States, couched in the most respectful terms, requesting that he would have the goodness to appoint a time when it would be agreeable to him, to receive them for the purpose of expressing to him the views of councils in relation to the official objects of their visit to Washington.

On the same evening, they received from him, with feelings of surprise, the pointed insulting denial—

“Washington, April 7th, 1834.

“Gentlemen—In reply to your note of this evening, expressing a wish to present to me the views of the Select and Common Councils of Philadelphia, in relation to the propriety of re-chartering the Bank of the United States, and restoring to it the deposits of public money, I have to observe, that it will give me pleasure to see you as individuals but not for the purpose of discussing these subjects; at any time to-morrow, between the hours 10 and 12 o'clock.

“Whatever you may please to communicate, as a committee, if made in writing will be cheerfully received and considered. For reasons, which have been made public, I hold no communication with committees, on such subjects, that are not made in writing.

I am very respectfully,

Your ob't servant,

ANDREW JACKSON.”

Addressed to—“Messrs. R. M. HUSTON, GEORGE S. SENOTT and others, Committee on behalf of the Select and Common Councils of Philadelphia.”

This extraordinary communication, which is still in the hands of the Committee, they have reason to believe is not in the hand writing of the President. Nevertheless, as it came as a response to a note regularly addressed to him, and delivered at the Presidential mansion, and had his name attached, they regarded it as authorized by him, and accordingly returned the following reply, viz:

“To the President of the United States.

Sir—We respectfully acknowledge the receipt of your note, in reply to our communication of this evening, and duly appreciate your invitation to see us “as individuals.” Under any other circumstances, we should have given respectful attention to this invitation. But not having come to this city “as individuals,” but as a Committee from the Select and Common Councils of the City of Philadelphia, if we are not permitted to ap-

pear in *that character*, and "*to discuss*" those matters of deep interest to our constituents, which caused us to be sent here, we feel constrained by a sense of what is due to them, not to appear in any other."

Signed by all the Committee.

Washington, April 7th, 1834.

Thus terminated this brief correspondence. But short as it is, it presents this remarkable spectacle of the President of the United States, denying audience to a deputation from the municipal authorities of a great city, and peremptorily refusing so much as to listen to the complaints of his fellow citizens, unless conveyed to him in the formal and distrustful mode employed by cautious diplomatists, when negotiating between belligerent nations. The present haughty and imperious chief magistrate, has been the first to set such an example; and for the credit of our country and its free institutions, it is to be hoped he will enjoy the glory of this reform, without even an humble imitation.

Eastern despots may envy him this royal method of treating his republican subjects, but history will not rob him of the honour of its discovery.

The determination to which the House of Representatives have come, immediately before the arrival of the Committee in Washington, narrowed materially the ground upon which they had hoped to act. They resolved, however, in their intercourse with members of Congress, from different parts of the Union, to make them acquainted with the vast injury to the city of Philadelphia, resulting from the wrong headed measures of the Executive; and to explain to them, as clearly and candidly as they were able, the actual condition of our citizens, their sufferings, and their opinions as to the cause and the remedy.

This they were enabled to do to a considerable extent, through the kindness of several members of Congress, who introduced them to a very large number of their colleagues. From this source, they derived much valuable information; a part of which, as it has an important connection with the subject of this report, it is deemed proper to mention.

In the Senate, the utmost freedom of debate is permitted within the bounds of decorum, and no member has ground to complain of an abridgment of his rights—nor do any such complaints exist. Every opportunity is allowed for the discussion of important subjects, and no measure of importance can be adopted, until every member has discharged what he conceives to be his duty to himself, his constituents and his country. *The gag-law*, which is so often and so successfully practiced in the other house, has no existence there.

The committee regret to say, that from what they saw, and from what they heard from the best sources, the same observations cannot be applied to the organization of that House, which was intended to represent the people, as contradistinguished from their representation by States, by bringing together the sectional feelings, the local interests, and the particular views of all parts of our common country, for consideration and adjustment.

In the House of Representatives, large districts and extensive sections of the country, are, in effect, denied a voice in the management of public affairs, because their representatives are not of the number who support General Jackson, "*in all his measures.*"

Although it be true that the majority must rule, it is not less true that the minority should always be heard, before matters of great public concernment, in which they and their constituents are equally interested with those of the majority, are resolved upon.

The minority of the House of Representatives of the United States, at the present time, are not only respectable in number, but distinguished for the talents, tried patriotism, and great experience of many of those who compose its ranks. But all these high qualifications avail nothing when opposed by a majority determined to support the Executive—"*right or wrong,*" and who

will suffer no resolution to be offered, no measure to be proposed, *even for consideration*, which is calculated to guard the public money from speculation and loss, or to bind up the wounds and relieve the distresses of an agonized community.

From all they have learned the committee are compelled to adopt the following conclusions:—

1st. That a majority of the members of the House of Representatives concur in the opinion that the removal of the public deposits from the United States Bank, was unnecessary and improper; and that if that question had been fairly propounded, instead of the slight of hand resolutions of a majority of the Committee of Ways and Means, it would have been so decided.

2d. That from the manner in which the House of Representatives is at present constituted, having a thoroughly partizan as its presiding officer, who is notoriously a candidate for executive favor, and who from among the number who usually rise to speak upon important subjects, can always assign the floor to the one most agreeable to himself; aided, too, by a system of rules admirably calculated to fetter debate, and preclude the possibility of introducing any measure for consideration, that has not been previously elaborated by the dominant party. From a body thus ruled, and where a large number of those who compose the majority consider themselves to have been elected, to support and carry out the views of the executive, rather than to exercise their own uncontrolled judgment, it is manifest that no measure of relief is to be expected unless it proceed in the first instance from the Executive himself.

3d. That it appears to be the unshaken determination of President Jackson, to persevere in "*his experiment,*" regardless alike of the sufferings, the petitions, and the remonstrances of the people.

4th. That all the leading measures of the present administration, are shaped for the accomplishment of the one grand object, of enabling Gen. Jackson to appoint his successor to the executive chair. To this end are all the energies of the government, and all the exertions of its dependents directed.

If this shall be accomplished, President Jackson will have so far outshone all his predecessors as to have exercised *the last act of royalty!*—and the people, the once free people, of these United States, will have suffered the ignominy of being transferred like serfs.

Melancholy as this report may sound to those who have not attentively watched the gathering clouds in our political horizon, your committee feel assured that they have seen and heard enough of the progress of affairs at the seat of the general government, to justify it to the full; and they should deem themselves false to their fellow citizens, if they did not declare what they believe to be true, and of vital importance not only to the interests of Philadelphia, but to the liberties of this country. In closing this report; the committee take great pleasure in acknowledging the respectful attentions which they received from many members of Congress, from different parts of the Union, and of adverse politics. To Messrs. Clay, McKean, and Southard, of the Senate; and Messrs. Binney, Harper, and Watmough, of the House of Representatives, they are particularly indebted for advice, great kindness and personal attention.

R. M. HUSTON,
GEO. S. SCHOTT,
JOSEPH B. SMITH,
JOHN P. WETHERILL,
JOSHUA LIPPINCOTT.

April 19, 1834.

LARGE PRODUCT.—Our friend Isaac Edwards, of Penn township, in the western section of Chester county, informs us that he disposed of 211 lbs of butter from four cows, in the space of 11 weeks, in the early part of last season, besides furnishing the ordinary supplies of a family of from four to seven persons.—*Village Record.*

From the U. States Gazette.

LAW INTELLIGENCE.

The Court of Quarter Sessions of this county, was occupied, during the whole of the last week, by a trial of great importance to the mercantile community.—Thomas Coyle, an individual well known to our citizens, as having kept a dry good store in Second, near Market street, in the spring of 1832, gave up his city store and established a country store in Lebanon, Pa. with a stock valued at about fifteen thousand dollars, where he continued in business until January, 1833, when he exposed his stock to sale by public auction, and at that, and a succession of other public sales, he got rid of it entirely. In August, 1833, he made an assignment to Messrs. Fulmer & Baldwin, of this city, for the benefit of his creditors; and all the property which came to the hands of those assignees was about \$3,700. As it appeared that he had incurred debts in the purchase of his stock, to the amount of \$15,000, or thereabouts, it was manifest that he was deficient upwards of \$11,000: At the December Term, of the Court of Common Pleas, of this county, he applied for the benefit of the insolvent laws; and, being opposed by Messrs. Fulmer & Baldwin, and others, his creditors, he was so little successful in accounting for this deficiency, that his honor Judge King, refused him the benefit of the insolvent laws, and bound him over to take his trial at their ensuing term, on the charge of fraudulently concealing his property. The jury, after a patient attention of five days, to the various and intricate evidence in the cause, on Saturday, brought in a verdict of guilty.

This will prove, it is trusted, a salutary check to the prevailing notion of the clemency of our Courts towards fraudulent insolvents. And the public are deeply indebted to Messrs. Fulmer & Baldwin, for the perseverance and sagacity which they have exhibited in pursuing this fraud through all its doublings.

Counsel for the prosecution, Wm. W. Haly and F. W. Hubbell, Esqrs.

For the defence, Jos. S. Brewster and Marshal Sproggell, Esqrs.

GIRARD BANK.

PHILADELPHIA, April 30, 1834.

Gentlemen—Your communication of the 29th ultimo, accompanying the Books, opened under a Resolution adopted at a meeting of the Stockholders of this Bank, held on the 17th ultimo, was duly received.

So large a proportion of the stockholders representing much more than one-half of the Stock, having expressed a wish that the Contract made with the United States for the transaction of the fiscal concerns of the Government here, by this Bank, should be annulled, the Board of Directors have, in consequence proceeded to carry that wish into effect.

An arrangement has accordingly been made with the Secretary of the Treasury, that this Bank is to continue said agency under the contract, till the first day of July next, upon which day the contract is to cease and determine.

I am very respectfully,
Your obedient servant.

(Signed) JAMES SCHOLT,
President.

To Messrs. John S. Riddle, John A. Brown, Geo. F. Randolph, Edward Smith, William Newell, Committee.

ERIE, March 22, 1834.

OUR HARBOR.—The channel through the entrance and to the landing place of the harbor at this place, has recently been examined by one of the officers of the Revenue Cutter, who reports a sufficient depth of water for any vessels on the lake. The shoalest place in

the channel from the mouth of the harbor to Col. Reed's piers, was eight feet deep; and the water in the bay was at the time six inches lower than on the previous day, and lower than it has been known for several years. There is no excuse now for the steamboats stopping, as heretofore, at the public piers; and we hope their masters will not attempt to manufacture any.—*Observer.*

LAUNCH.—The French Creek Pioneer was launched on Thursday last from the stocks, Dam No. 9. This is, we believe, the first real canal boat which has graced the waters of the French creek division, and is therefore, most appropriately termed the French Creek Pioneer. On Saturday last, a general invitation being given by the enterprising owners, Messrs. Brown & Bailey, the Pioneer was thronged by numerous citizens, and the boat passed up the lines, with drums beating, colours flying, and gay misses, (sweet creatures), smiling, as far as the mouth of Sugar creek, five or six miles above our borough, and all returned in cheerfulness and hilarity.—*Venango Democrat*, April 16.

DIVIDENDS FOR THE LAST SIX MONTHS.

Kensington Bank,	5 per cent.
Girard,	3 "
Southwark,	5 "
Commercial,	4 "
Farmers' and Mechanics',	4 "
Schuylkill,	3½ "
Mechanics',	4½ "
Manufacturers' and Mechanics,	3 "
Penn Township,	5 "
Moyamensing,	2½ "
Farmers' Bank of Bucks County,	4 "
Manayunk and Flat Rock Turnpike,	3 "
Willow Grove Turnpike,	3 "
Germantown and Perkiomen Turnpike,	2 "
Bank N. L. berties,	1 50 per share.
Frankford and Bristol Turnp.	2 00 "

MARCH CRUNK, April 26, 1834.

SNOW.—We were visited this morning with a brisk snow storm, which in a few moments whitened our mountain tops, and gave them the appearance of dreary winter. When the season, the weather, and vegetation have so far advanced as at the present time, on the twenty-sixth day of April, a snow storm is not a very common occurrence here.—*MARK THAT.*—*Courier*

TOLLS.—There have been received at Franklin, since the first of April, one hundred and fifty dollars, of tolls upon the French creek division of the Pennsylvania canal, making an average of ten dollars per day. This, although at first view may appear small, yet when it is recollected that our canal only extends about twenty miles, and terminates almost in the wilderness, these tolls will be thought worth a passing notice; and when our works shall be carried to their contemplated termination at Lake Erie, we venture to assert that no section of the canal will be a source of greater profit to the state.—*Venango Democrat.*

UNION CANAL.—The following statement shows the weekly receipts of tolls, from the opening of the Union Canal this season, to the 6th April.

March 10th to 17th	\$1,025 44
17th to 24th	2,829 12
24th to 31st	3,112 70
31st to April 6th	3,379 45

\$10,346 71

The receipts during the three weeks in March, were \$6,967 26.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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PHILADELPHIA, MAY 17, 1834.

NO. 332

From the Republican and Chester county Democrat.

GEN. ISAAC D. BARNARD.

At a meeting of the Bar of Chester county, held at the Court House in West Chester on the 18th of February last, to consider the proper manner of paying a tribute of respect to the memory of the late General Isaac D. Barnard—in addition to the resolutions heretofore published, it was on motion of Jos. Hemphill, Esq. seconded by J. J. Lewis, Esq.

Resolved, That Wm. H. Dillingham, Esq. be requested to prepare a biographical memoir, illustrative of the merits and public services of the deceased.

ZILHA PYLE, Cl'm.

Attest—John Hickman, jr. Sect'y.

In pursuance of the foregoing resolution and request of the Bar, the following sketch was prepared.

The grave closes over a friend and hides him from our view. Shall the memory of his virtues die with him, and the good he has done be "interred with his bones?"

It is peculiarly proper that we should ask ourselves this question, who have suffered so long a time to elapse without any biographical notice of our distinguished townsman, the late Gen. Isaac D. Barnard.

Having known him long and well, enjoyed his friendship and felt its sunny influence, the writer would do away this reproach. The character of Gen. B. as a soldier and a legislator, is worthy of the muse of history. It belongs to the country, and his biography should be a work of no hurried moment, snatched from business and worldly cares. The present effort must necessarily be limited and imperfect. Without aiming at the graphic detail of a complete memoir, it is hoped that this essay will not prove a mere eulogium.

Gen. Barnard, was born at Chester, our ancient Upland, on the 22d of March, 1791. His father held at different times the offices of Sheriff and Prothonotary of Delaware county.

The writer is indebted to an early and intimate friend and fellow student of the law of the subject of this notice, for the following brief sketch of his early life.

"My earliest recollection of him finds him in his father's office, where the *entire* duties of the Prothonotary devolved on him. At this time he was about 15 years of age.

"When my father was appointed to the same office, he continued with him as a clerk, nearly all the time he was Prothonotary—to wit—from February, 1806, till March, 1809. During this period he was remarkable for his active and constant attention to business. He was civil and obliging to all who had business to do in the office, and it seemed then as you have doubtless remarked since, that he won the good opinion and friendship of almost every one with whom he had intercourse, without an effort. He was a general favorite in the county at that early day. My father had a father's affection for him. He used to hold him up to me as an example to be followed. His education was limited, but he was a great reader, particularly of biography and history, and what he read, he remembered."

It is due to his memory, no less than that of the late Thomas D. Dick, Esquire, to state, that during the period referred to, the papers of this office, including those

of the Register, Recorder, Clerk of the Orphans' Court, Clerk of the Oyer and Terminer, and Clerk of the Quarter Sessions, were arranged, and the records kept in a style, which for order, accuracy, neatness and beauty, the writer has never seen equalled in any other office. He cannot forbear the reflection, that it must have been in this school and under the auspices of such a patron, that General B. laid the foundation of his future usefulness.

In the political revolution which brought Gov. Snyder into office, we find our young friend transferred to the office of Frederick Wolbert, Esq. then recently appointed Prothonotary of Philadelphia. Here, as in Delaware county, his conduct was a pattern for all young men. His diligence, regularity and faithful attention to the duties of the office, was a subject of general remark. His modest, unassuming manners won him friends on all sides, and he made himself useful to all.

But his stirring soul was not to be confined to the duties of a Prothonotary's office. He doubtless felt that he was destined for a more active sphere; and in the early part of the year 1812, he commenced reading law with the late William Graham, Esq. of Chester. Here again he was surrounded by influences well calculated to elevate his views, and establish his character. All who knew the excellence and sterling worth of his preceptor, will understand how to appreciate this remark.

Events were then in train which brought about the war with Great Britain.

The star of his destiny led him to think of the army for a profession—it was the instinctive prompting of a fearless, patriotic and energetic spirit, and he followed its lead. His native modesty did not allow him at that age, to ask for more than a Lieutenancy. But his friend the Hon. Wm. Anderson, then a member of Congress from that district, had marked those excellent traits of character which manifested themselves so early, and with a sagacity which foresaw their future development, asked and procured for him the commission of a Captain of Infantry. This commission bears date March 14th, 1812, and he was soon afterwards arranged to the 14th Regiment, under the command of Col. Winder.

His first duties as a soldier were in the recruiting service in Chester county; his rendezvous was at West Chester, when war was declared on the 18th of June, in the same year, and afterwards transferred to Baltimore.

But the writer has anticipated himself in a sketch of the military services of his friend. The following article appeared in the American Republican, published at Downingtown, in 1818. With the exception of some slight inadvertencies, to be noticed hereafter, he does not see how in so few words to place this part of the subject in a stronger light.

"Mr. Mowry:

A certain young man of my acquaintance received a captain's commission in the late war, before he attained the age of twenty-one. His head was not turned by the sight of his epaulette; he was the same unassuming, regular, persevering man, as he had always been before. On the recruiting service he was successful, without resorting to improper artifice. The citizen who disliked his politics or his profession, could find nothing

to censure in his conduct. In the army he was a good disciplinarian—was always at his post—thought more of doing his duty than of cutting a dash, and soon became one of the most efficient officers in his Regiment. Although the youngest man of his rank, in the same corps, he was the first promoted to a Majority. In this delicate and trying situation, he lost none of his character. He was neither puffed up by his elevation, nor humbled by any ignorance of his duties. While others were taking their ease or seeking promotion by a campaign at Washington, he never missed a campaign in the field. He was at the taking of Fort George, and in the subsequent expedition to Forty-mile Creek by exposure and hardship in discharging the duties of invalid brother officers, took sick and suffered much during a long confinement at New Ark at that time continually exposed to skirmishing parties of Indians. In the following campaign he descended the St. Lawrence with Wilkinson, but owing to the extreme hardship of the service on the stormy lake, and at Grenadier Island, in a wintry season, was again attacked by disease. His Lieut. Col. (Dix) died on the passage down; and he had himself just life enough to hear the roaring of the artillery as he lay stretched upon his back, in a boat, during the battle of Chryster's farm. In the confusion of landing at French Mills, he suffered from want of proper attention, and was finally quartered at a hut quite in advance of our post, in an Indian country, exposed to the marauding parties of the enemy. Upon the opening of the third campaign, in the rencontre with the enemy previous to the affair of La Cole mill, his horse was shot under him. In that affair he was stationed with his command, which consisted of the fragments of several regiments consolidated, to cover the Artillery; fought side by side with the gallant McPherson, Larrabee and Sheldon, resisted two charges of the enemy, and brought a piece off after every man belonging to it had been shot down. During this last brilliant campaign he was with the army under Gen. Izard, at Plattsburg, where in consequence of the death and captivity of superior officers, he continued in the command of this consolidated corps, and received the marked approbation of his commander-in-chief for its fine appearance and excellent discipline. He arrived upon the Niagara frontier however in time for the affair of Lyon's Creek, in which he particularly distinguished himself by his good conduct before the enemy. In the general orders subsequent to that affair it was said "Major B ———, led his regiment to the charge in the most gallant and soldier like style." It is a matter of historical fact that the Marquis of Tweedale was routed on that occasion by an inferior force.

Why he received no brevet, has been attributed to a rule of the War Department not to confer that honor on any who had not distinguished themselves in a general engagement. His merit fairly entitled him to at least the compliment of a Lieut. Colonelcy, as at the close of the war his commission was one of the oldest, while he was still one of the youngest men of his rank in the army—and it is well known that no man stood higher in the Adjutant General's office at Washington as a drill officer. Upon the reduction of the army but one Major (Gardner) who had not been breveted, was retained with his rank in the line, and my friend did not choose under such circumstances, to continue in the service, in an inferior station, in these "piping times of peace."—He has since settled in this country as a professional man. Is it not right that the good people here should know these facts?"

By one of his letters written at the time, and now before the writer, he is enabled to correct an inaccuracy in the statement of a fact connected with the skirmish previous to the affair at La Cole, which was adopted from the newspaper report. This letter says in reply to an inquiry, "my horse was shot, but not under me—I had dismounted to get over a fence, and snow bank

which we had to pass, when they plugged him through the head."

Another slight discrepancy makes it proper to introduce here the precise words of Gen. Bissel, in his report of the fight at Lyon's Creek and also those of Gen. Izard in the general orders. General Bissel uses this language.

"Major Barnard with the 14th was ordered to form in front, advance to support the light troops and *charge the Artillery.*"

The well directed fire of the 'elite corps,' of riflemen, and 'gallant charge of the 14th soon compelled the enemy to give ground.'

"All did their duty; but the handsome manner in which *Major Barnard brought his Regiment into action, deserves particular notice.*

The British force in this engagement, commanded by the Marquis of Tweedale, Col. of the 100th Regiment, consisted of more than 1200 men, that of the Americans was about 900.

The authority for this is the general orders, from which are also extracted the following passages.

"The Light Infantry under Captain Dorman, and Irvin's Riflemen, sustained the whole fire of the enemy for fifteen minutes, during which time the 5th and 14th were formed—the 5th was ordered to turn the enemies right flank, *while the 14th charged them in front.* This was executed in the most gallant manner by Col. Pinkney of the 5th and *Maj. Barnard of the 14th who greatly distinguished himself by the officer like style in which he conducted his battalion.* The enemy were compelled to a precipitate retreat, and hid themselves once more behind their fortifications."

One letter selected from a correspondence with the writer which was kept up during the war, contains his own modest account of this affair, and submitted entire, will give a sort of reality to the facts stated.

Camp Erie, (U. C.) Oct. 24, 1814.

My Dear Sir,

You no doubt will before this reaches you have heard of our having once more crossed into his Majesty's dominions of Upper Canada. We passed down to within view of the enemies works behind Chippeway creek. On the 15th at day-light, part of Gen. Bissel's brigade proceeded over the worst road I almost ever saw, 10 or 12 miles to Lyon's creek—drove the enemy's picket and took possession of the bridge over the creek that night. Next morning about 8 o'clock the enemy with a select and superior force attacked us. We crossed the creek to the opposite side and drove them, after a sharp fight of an hour. They suffered considerably; we buried a number of their dead left on the field, and took a few prisoners. The 14th under my command had its full share of this fight. I was ordered to charge the enemy in front—they were driven at all points. You will shortly see the official account of the affair—long before I shall, as it must go to Washington and return before I can see it, I wish when you get it, that you would send it to me. I am anxious to know what is said of my Battalion, which I think deserves some credit, as both officers and men behaved with great gallantry. I speak in this manner to you, who know me so well that I am sure you will not suspect me of egotism. We shall go into winter quarters shortly. Where, I do not yet know, whether in Canada, or on our side.

Ever your friend,

I. D. BARNARD.

To ———.

An interesting correspondence took place between the officers of the fourteenth Regiment and General Bissel, upon the occasion of his leaving that division of the army, which was many years ago confided to the writer, by his friend; with an injunction now regarded as sacred, to see that justice should be done to his brother officers.

CAMP NEAR BUFFALO, DEC. 17, 1814.

Brigadier General D. Bissell, U. S. Army:—

Sir—The undersigned the officers of the 14th Regiment, U. S. Infantry, having just learnt that you will receive a command in the Southwest, and that they will probably never again have the honor of serving with you, request permission on your leaving them, to express the lively sensations of gratitude they are impressed with for the interest and solicitude you have at all times discovered for the welfare of the Regiment, and for the uniform zeal you have constantly evinced to benefit them, as well as promote the service of your country, by enforcing a just and salutary discipline, without which a Military body is a mere mob, but under the restraints of which every Regiment and Corps becomes not only respectable but efficient in the field. For the beneficial lessons you have given them, in your example of patience, obedience, and a prompt discharge of every Military duty; for the instruction they have gained, while under your command, from your skill and long professional experience, they beg leave to tender you their unfeigned and fervent thanks.

That you may perfectly recover your health and continue long to serve your country with honor, and that your country may duly appreciate and reward your long and meritorious services, is the sincere wish of

I. D. Barnard, Major 14, U. S. Infantry.	
R. Gilder, Captain,	do.
Jos. Marehall, Captain,	do.
Richard Arell, Captain,	do.
I. Beckett, 1st Lieut.	do.
Edw'd Wilson, 1st Lieut.	do.
Wm. G. Mills, 1st Lieut.	do.
Abraham Clark, Lieut. & Qr. Master, 14 U. S. Infantry.	
Wm. Thompson Lieut.	do.
Wm. G. Shade, & Adjutant, 14, U. S. Infantry.	
John Bierly, Lieut,	do.

UTICA, State of New York, }
January 6th, 1815. }

Sir—I this day received your letter of the 18th ultimo, enclosing the address of the officers of the 14th Infantry, most flatteringly approving my services during the time that *distinguished* Corps was attached to my Brigade, and their acknowledgements for the interest I took in preparing them for the duties of their profession; for which I feel truly grateful.

To merit the confidence and esteem of my companions in arms, is amongst the greatest of my desires. If I have done my duty towards that Regiment, I have been most liberally rewarded by their *uniform exemplary conduct: Subordinate and patient in all situations, and rigorously attending to their discipline and duty; and particularly for their conduct in the field, where the enemy have been taught to dread their skill, valour and intrepidity, and their country to appreciate their worth.*

I beg, sir, you will have the goodness to express to those officers, the high sense I entertain of the honor done to me by their address; with assurances, that it will be long remembered, and that they accept my earnest wishes for the continuance of the merited applause, and that *high and honorable place* they so justly hold in the line of their profession, which I most fervently hope may only end with a long life of glory and happiness to them, collectively and individually.

And believe me with the highest esteem and consideration, sir,

Your most obt. servt.

D. BISSELL, Brig. General.

Major I. D. BARNARD,
Commanding 14th U. S. Infantry.

At the close of the War, Maj. B. resumed his studies in the office of Mr. Graham at Chester, and prosecuted

them with such assiduity, that he was admitted to practice in January, 1817.

He established himself at West Chester, Chester county, and soon acquired the confidence of the community.

Upon the appointment of Mr. Ellmaker as Attorney General, he sent him the Deputation for this county, and this was the more flattering as it was understood to have been resolved on before the recommendations reached Harrisburg.

In the year 1820, he was married to Harriet, the eldest daughter of the Hon. Isaac Darlington, President Judge of our Judicial District, a lady eminently calculated to confer happiness upon such a connection, and all whose interests, wishes, and pleasures were concentrated in his, during the brief space she was spared to him. She died, under circumstances, which caused as it were to her husband a double loss, on the 14th day of February, 1823, at the early age of twenty-one, and left him childless.

He never afterwards married

He retained his fondness for military life, and took a deep interest in the formation of the Volunteer Company of Republican Artillerists, of which he was for many years Captain, as also in the organization of a Volunteer Battalion in which he held the command as Colonel. In the year 1821, he was chosen Major General in the militia of this State, and commissioned by Gov. Heister. Upon the expiration of this commission, he was re-elected and commissioned by Gov. Shulze, and retained the command of this Division until his death. He was also appointed by Governor Shulze as one of his aids with the commission of Lieutenant Colonel.

For unwearied diligence faithful, persevering devotion to the interests of his clients, and a modest unassuming carriage in the discharge of all his professional duties, he has seldom been surpassed, and has not left his equal behind him. He combined with these traits a decision of character and an energy which never faulted in the way of duty because of difficulties, but strove always to surmount them.

In consultation he was more anxious to discover the truth than to maintain his own opinion. In the trial of a cause—the cause was always a higher object with him than *self*—addressing the Jury, he never indulged in a sarcasm, and never noticed one—while there was any thing for him to do, he gave his whole soul to it; and he possessed a skill, and tact, and sagacity, and quickness, and fertility of resources, which commanded success. With such traits, added to his distinguished reputation as a youthful soldier, and a thorough knowledge of human nature, he almost immediately acquired a towering popularity. By this means he was elected to the Senate of our state legislature from the district composed of the two counties of Chester and Delaware, in the year 1820, when a large majority of the voters of the district were opposed to him in politics.

Of his political course it does not become the writer, and this is not the place to speak. He may be permitted, to state, however, what he believes to be the fact, that to Gen. Barnard's instrumentality, more than to that of any one individual, Gen. Jackson was indebted for the vote of Pennsylvania, in his first canvass for the Presidency. It is known to all who had his confidence, that he held the opinion, that at one time it would have been as easy to have carried this State for Crawford as for Jackson. He threw his influence in the scale of the latter, and that at the time, with a majority of the members of our Legislature, was preponderating.

The result is well known. It was almost immediately seconded by a nomination in Chester County—this was soon followed by the other counties in the state, and then by a withdrawal of the pretensions of Mr. Calhoun, in favour of this nomination.

The success which attended his early movements in this respect, was brilliant and dazzling. He was mainly instrumental in the nomination and election of Governor

Shulze, and was soon afterwards appointed President Judge of the District Court of Lancaster and Dauphin, which office he declined accepting. He succeeded the Hon. Molton C. Rogers as Secretary of the Commonwealth, when that gentlemen was appointed Judge of the Supreme Court, and in the year 1827, was elected to the Senate of the United States.

Thus far his course was onward and upward, and even in that distinguished body he still maintained a high reputation.

In the convention which met at Harrisburg for the nomination of Governor in 1829, he had a large plurality on the first ballots, was within five votes of receiving the nomination, and only defeated, by a combination of the friends of other candidates.

His star was no longer in the ascendant—his high hopes waned—he lost his health—retired from the Senate—and has found an early grave.

To thousands he had proved himself a friend in need, and a friend indeed—to his aged and pious mother, a dutiful son—to orphan relatives, a father—and his benefactions do not cease with his life.

He died at his residence in West Chester, on the nineteenth day of February last, and his body was laid by the side of the remains of his departed wife, in the burial ground of the Society of Friends, the religious denomination to which his ancestors belonged.

"No trophy, sword, nor hatchment o'er his bones.

"Nor noble rite, nor formal ostentation."

From the National Gazette.

MR. ROBINSON'S SPEECH—NATIONAL BANK.

Speech of Mr. Robinson of Allegheny county, in the House of Representatives of Pennsylvania—in support of his resolutions in favour of a National Bank.

The resolutions which have been read are offered with the view of ascertaining, whether, in the opinion of this House, any action on the subject of the currency is deemed proper at the present session; certainly with no view, as their tenor sufficiently indicates, of creating excitement or irritation. It is no time or occasion this, to trifle with the condition of the country, or in a factious spirit to introduce measures which in their discussion would be likely to rouse those partisan and angry feelings which are more or less incident to the imperfection of our nature. No individual whatever was consulted before they were drawn up in the shape in which they now stand. They were submitted as propositions to be modified and altered in such manner as to meet the sense of the House, in the hope of their adoption, or some substitute, or to end all further efforts on the subject during the remainder of the session. I propose no inquiry into the expediency, the justice, or the legality of the removal of the deposits, but in the spirit of the Philadelphia memorial for a 10 million Bank, will confine myself to the remedy for a state of things about which there can now be no doubt, the fact of existing and increasing difficulties in the general business of the country.

I do not therefore deem it necessary to inquire into the causes of the prevailing difficulties in the business of the country, or, whether they are to be attributed to the administration of the Government, or the administration of the Bank. To this state, to the country at large, and to the people in their various and multifarious pursuits and avocations, the results are the same, *proceed they from the one or the other*. Who has been in the wrong, who has brought the evils which are complained of on the country, will be settled as it should be at the elections. But the remedy now rests with the legislature of the State or of the Union, and one or the other, *must* interfere and provide some alleviation for the evils which now exist and are threatening further and more extensive desolation. Let us then, before we separate,

express our honest opinions and convictions on a subject which we all unite in regarding as one of deep importance, and in which the welfare and interest of our constituents are largely involved.

We have no reason to believe that there is less ground for some action on the condition of the people of this State, than in the State of New York, as expressed in the opinion of the Governor and Legislature of that State. We have witnessed within a few days the measures which have been thus proposed, and is it not our duty to attempt something, to urge or indicate, some course of action for our Representatives in Congress, where alone, in my poor judgment, the true and only remedy is to be obtained? The proposition of the Philadelphia memorialists, for the establishment of a great State Bank, having been referred to its appropriate committee, and their report on your journals having been concurred in by a unanimous vote of the House, it is reasonable to infer that the sense of this body is in favor of the action of Congress. To that source then, must we indeed look for relief; for, turn which way we will, no other quarter it seems, presents one ray of hope, or safety amid the ocean of difficulties, with which we are surrounded. By the recent action of the House of Representatives in Congress, the question of the restoration of the deposits has been decided; and on the resolution in the same body, against re-chartering the Bank of the U. States, the vote stood 135 to 88, majority fifty-two—a final disposition therefore has been made of these two all-engrossing questions. From the tenor of the debates on other questions, the majority of this House, I am well aware, have been disinclined to any recommendation, to our Representatives in Congress, for a restoration of the deposits, or a re-charter of the National Bank, under any modifications or restrictions whatever. Nor, was it my intention to urge either the one or the other, on this occasion, as the resolutions on your table plainly indicate. But the one now submitted has not been under consideration.

I have witnessed the rise and progress of the place which I represent, from an inconsiderable frontier village to a city, containing an industrious, patriotic and enlightened population of more than 25,000 souls. I have witnessed, with the deepest interest, its growth in commerce and manufactures from their earliest beginnings, when the product of their industry was exchanged for the skins and peltries of the red man. I have known it in all times of its prosperity and adversity; and have rejoiced with my friends and neighbours in the one, and participated largely with them in the other. Shall I then stand here in this place of honor and of trust, the tame spectator of their approaching ruin, and raise no voice to avert the storm—can I see her the victim of a deranged, a doubtful and diminishing currency; her commerce prostrated, her manufactories desolate, and the fire of her 1000 workshops quenched to burn no more—shall I sit mutely here whilst the groans of her ingenious artisans and mechanics, and her industrious laborers resound throughout her streets, and whose prayers for relief, in this their time of need, have long since reached this hall? You, Mr. S. and this house, will pardon me, I know, whilst I thus speak of the situation of my friends, my neighbours, and my home. The city of Pittsburgh, commanding as she does, an inland navigation of 28,000 miles, holds a conspicuous and interesting station in this great commonwealth. She is the key to the fertile and extensive plains and valleys of the mighty Mississippi.—She is your western emporium, the approaches to which by all the facilities of roads and canals have been almost brought to completion, and for the accomplishment of which so much of the toil and treasure of this people have been expended.

The physical advantages which nature has kindly provided, connect her with the vast and almost limitless regions of the west, and the artificial improvements which the judicious public spirit of the commonwealth

has brought so nigh to completion, uniting her with the east, are benefits which are justly and highly appreciated by her inhabitants; but in order to render them most available to the happiness and prosperity of her people, you must add to these natural and artificial advantages, a sound, a uniform and substantial currency, without which auxiliary, her commerce must become crippled, and her manufactures languish and die.

Thus situated, thus circumstanced, our manufacturers and mechanics heretofore found a ready and profitable market for the product of their labour. The facility of converting the fruits of their industry into ready money, afforded by the present Bank of the United States, presented an additional incentive to their proverbial industry, enterprise, and ingenuity. Through the medium of that Bank, this was an every day occurrence, which, perhaps, it may be necessary a little further to illustrate. In the spring and autumn throughout the year, or as long as the navigation is open, our manufacturer ships his productions to all the commercial cities and towns of the west; he draws his bill on his consignee for such amount of his consignment as his wants or other demands on him for payment of labour and raw material may require:—his bills and notes drawn and received for consignment abroad, or on his business transactions at home, are freely discounted by the Bank at the lawful rates of interest, and for a truly moderate rate of exchange, restoring to him at his own door his capital in cash, enabling him thereby to replenish his stock, to renew and perhaps extend his operations. He no longer awaits a tardy remittance produced by the difficulty of obtaining favorable exchange, arising out of the condition inseparable from a purely local and always fluctuating, and often times dangerous currency.

The conversion of our manufactures into ready money through the medium of a National Bank being thus rendered easy, we are no longer exposed to the cupidity and exactions of the usurer and money-lender; the manufacturer is thus enabled to give greater attention to his affairs at home, instead of consuming his time in distant, tedious, and expensive tours of collection, to afford better wages to his hands, and more punctual and satisfactory payments to those who may supply him with the raw material.

These are a few of the advantages we derive in common with the entire west, from the operations of a National Bank. To close the door against the facilities which such negotiations offer us is to lay the axe of destruction to the root of one of our greatest and most valuable resources, to paralyze our industry, and place the whole body of our enterprising manufacturers and mechanics at the feet of those who possess sufficient capital to prey upon their necessities, and who, all experience teaches us, will use their power to promote their own exclusive profit and advantage.

No Local Bank is competent to afford the necessary facilities to commercial and manufacturing enterprise; this can only be done by one whose connections are co-extensive with the country itself, and in the possession of a *capital and credit*, which no charter from a state can confer. I undertake to say, sir, that the business of the country cannot be conducted—I *know* the business of the west *cannot* be conducted, without a *National Bank*. Will the members from other parts of the state think differently—will they object to a National Bank? If they do, I pray they may offer some other project, and should it afford one ray of hope, that it will meet the exigencies of the country, and dispel the thick clouds and darkness gathering around, I pledge myself to promote its success by all the means in my poor power. I am not tenacious about my own proposition—my object is to obtain relief for the community, and I hold myself ready and willing to aid any measure which promises a speedy and effectual remedy.

One thing must be done by some means. The currency which has been supplied by the present Bank

must be replaced, or scenes of infinite distress and ruin must follow. Scenes compared with which those now pictured as before us are but as the shadow of a mist.

The debts of a country are at all times, and in all cases, equal to its whole paper currency. Every Bank note, represents a debt equal to its own amount, and is due by the Bank which issues it to the holder of the note. The same is the case with the promissory notes or Bills of Exchange; they, all alike, represent debts to their nominal value. These three kinds of paper, bank notes, bills of exchange, and promissory notes, form the paper currency or medium of the country; passing as they usually do, from hand to hand, they are received in payment of debts, or in exchange for articles of merchandise, and in fact performing, but with far greater convenience, all the offices which gold and silver could accomplish. Answering then all the purposes of coin, they are money, so long as there are banks, which by discounting them, make them an efficient currency. The moment, however, they cease to pass as money, or when a bank cannot or will not receive them as such in payment, or issue of their own notes, by discounting them, they become mere evidences of debt, and cease to be any longer money or currency, and of no more practical benefit than a verbal promise. The consequences are obvious; when a bank note, the note of an individual, or a bill of exchange will not pay a debt, or be received in exchange for gold or silver, or other articles of value, the means of paying debts are of course reduced, whilst the amount of debt remains the same; and it appears to me that we now find ourselves precisely in or rapidly approaching this condition of things. The embarrassments of a country have no direct relation to the amount of debt which its citizens may owe, but on the means of payment to which they may have access. So long then as there is a sound paper currency which passes by common consent (and it could not by this consent, if not convertible into coin) it is money in effect for all practical purposes. One man pays his debt by the paper which represents a debt due by another individual, or by a Bank; and Banks pay their debts, by the notes of other Banks which possess a credit in the community and paper money; or, they may pay by the paper of an individual; which is convertible into Bank notes or Bank credits on being discounted. But when the note of one Bank, will not be received in payment, or in deposit by another, or the note of an individual or his Bill of Exchange, is not convertible into money, or a credit, which will pay a debt, the debtor is compelled to purchase something which will enable him to meet his engagements by selling his Bank notes, Stocks, Bills of Exchange, or Promissory notes for whatever they will bring in the market. As it is credit, confidence, and common consent, which render paper an equivalent for coin, so the want of credit, leaves the paper the mere evidence of a debt, subject to all the fluctuations of price as any other commodities or articles of merchandise. The history of the country for the last six months is an ample illustration of this position, in the ever varying prices of Stocks, Bills, Promissory notes, and notes of Banks in places, other than those at which they were issued. A general panic has pervaded the money market; the credit of paper currency has been signally impaired; its conversion into *coin* has become more and more difficult and expensive, and its amount has been greatly diminished. The effect has been the withdrawal of a large amount of the circulating medium or currency, diminishing the means of paying debts to an amount equal to the diminished circulation of Bank notes and Bank discounts. So far as this has taken place, it accounts for the existing embarrassments; and so far as there is just cause of apprehension for the future, it will account for what may take place hereafter. The difficulties and distress of the community will be in the same proportion, as are the reductions of the currency, for the plain reason that it diminishes the means of paying debts which remain to be paid to their

full amount, whilst the currency in which they must be paid, rises in value as it diminishes in quantity, and property of every kind, which must be converted into money, must be sold at whatever price it will command. Thus a debtor may be forced, in discharge of his obligations, to pay two and three dollars for one he owes. That the paper currency of the country has diminished—that property, produce, and labour have become of less value—and the means of paying debts, more difficult, cannot be denied;—that it will become more so, is certain. Confidence and credit are daily declining, from causes too obvious to name. They cannot be restored by connecting the currency and moneyed concerns of the country with the passions of party, or rendering them subservient to the views of politicians.—Banks are but the instruments by which the moneyed operations of the country are conducted; and it has now become too late to inquire, whether the banking system has not been carried too far, or whether particular individuals have extended their business operations too much on credit. We must take things as they are, and provide for the remedy accordingly. Admitting both to be the case, it is certainly not wise policy to make a sudden change; and if in the end they must be corrected by the strong arm of the Government, let it be done gently and gradually, so as not to distress the enterprising and adventurous, but honest debtor;—and let it be done in such a manner as to derange, as little as possible, the investment and employment of capital. Give the country time to conform its business to this newly proposed state of things, and if the currency must be diminished, let us have time to make provision to meet the emergency, or at least let it be after the present debts are paid, or proportionably reduced. But if the vast debts of the country must be paid in a medium greatly enhanced, and different from that in which they were contracted, in consequence of the reduction in the extent of the currency, let me assure gentlemen,—and I am no “prophet or the son of a prophet,”—that infinite distress, bankruptcy, and ruin, will pervade this entire country.

Many of the gentlemen in this House remember how the extensive debts which were contracted during the late war, at a time when the country was overrun with a suspected and tattered currency; how by the resumption of specie payments, that currency became suddenly diminished, and how those who had the misfortune to owe debts contracted during this period, were compelled to pay them in a medium enhanced in value in proportion as it had diminished in quantity. This state of things I fear is now rapidly returning upon us, and should Congress adjourn without providing some remedy, that country to whose interests and prosperity we all profess so much devotion will be visited by a degree and measure of calamity which years of returning prosperity will not be sufficient wholly to efface. If this House will but give its instructions to the Delegation in Congress, they will have made some effort to avert a deep and heavy calamity; the responsibility will then rest with them. If we do not express our opinion we must share their responsibility. I for one am not willing to meet my constituents without being able to say to them I have made an effort for their protection, and I invite, nay I conjure my colleagues in their names to aid my feeble efforts in their behalf.

I have suffered with them in their former calamity, and they shall not have it in their power to reproach me with silence or inaction when another more appalling is impending over their heads.

If, as I said before, any gentleman has a better plan to propose, I will support it; if not, I ask a support for this: but I implore every one to make some effort before we separate. If the interest of the country is in jeopardy, we certainly ought at least to do all in our power to save it.

REPORT TO THE COAL MINING ASSOCIATION.

Second Annual Report made by the Board of Trade to the Coal Mining Association, of Schuylkill county, January, 1834.

At the Annual Meeting of the Coal Mining Association of Schuylkill County, held on the 4th of January, 1834, the Board of Trade presented the following Report, which was read and ordered to be printed.

After which the following gentlemen were elected officers to serve for the ensuing year:—

President,
BURD PATTERSON.

Vice President,
JOHN C. OFFERMAN.

Secretaries,
Andrew Russel, Charles Lawton.

Treasurer,
Samuel Lewis.

Board of Trade.

Benjamin H. Springer, Francis B. Nichols,
Samuel Brooke, Samuel Lewis,
Samuel J. Potts, Thomas C. Williams,
Martin Weaver.

At a meeting of the Board of Trade on the same evening, B. H. SPRINGER, was appointed President, and THOMAS C. WILLIAMS, Secretary.

REPORT.

In again convening with the Association at their Annual Meeting, the Board of Trade feel it their duty to remind the members of the object for which they associated, and to call their attention to the present state of the Coal Trade, that they may be able to form some rational conclusion of what the prospect of the Collier is for the coming year.

In the report made in January, 1833, they gave a brief compend, designed as a nucleus around which they expected to gather sufficient information to lay the foundation for an inquiry into the actual state of the Coal Trade, that a full history of the Anthracite Region might grow out of it, they were aware the materials for such a history were scant, and that the information to be obtained was to be gleaned from many and various sources, and much of it from the early settlers of the country; many of whom are not engaged in the trade and cannot be supposed to feel that interest in it that those who are embarked in it should feel.

The Board indulged a hope that the subject would have been deemed worthy the attention of more competent persons than themselves, and that a trade of such vital importance to the state would have commanded the attention of a competent historian—but as no one has yet undertaken the task they must be content to collect and treasure up all the information in their power, that when the time arrives they may be prepared to furnish this quota for the general good.

Scenes and occurrences, which, from their familiarity, are deemed by us too trivial to be registered, may at a future day be anxiously inquired into, and much matter for history may be lost, by our neglecting to notice what we deem too common to be worthy of a place on record.

We owe it to posterity, to the future explorers of this and other regions, to collect and husband every species of information in any manner connected with the trade. We should not be deterred by the supposition that the information is trivial or of little use, but we should collect and record every information from the earliest workings to the present day, and leave posterity to glean from our experience such information as may be useful to them.

The Board, like others of the Association, are engaged in the active prosecution of mining, and must, of necessity, depend on others for information on many

points connected with the trade, as far as their own experience extends, they can speak with certainty; but we are all aware that causes produce different effects, in different places, and that what would operate favorably in one vein or bed, might produce an entire different effect in another vein,—that to insure a benefit to all there should be a free and general interchange of opinion with all engaged, and they therefore urge on the members the necessity of noticing every change in their veins, to take and preserve a full description of their workings, all faults, throws or troubles, and transmit from time to time the information they acquire.

Much information may be had from those who were the earliest pioneers, some of whom still linger amongst us, and we earnestly enjoin it on the Association to collect from that class of citizens all the information they possess without delay, many of those men are aged, and the knowledge they possess, if not soon obtained, must be forever buried in the grave with those who possess it.

If the course recommended is followed without delay, the Board feel confident that in two or three years at farthest they will have a full description of the region as well as every vein in it, and be able to determine the long disputed points of how far the veins extend, and whether or not they preserve their character throughout.

Another subject of great importance to the trade is the comfort of the operators and laborers employed; many of that class, like the same class of men in other places, are improvident, and squander during the summer all their earnings, and when the winter sets in and a partial stop is put to business, they are destitute of the common necessities of life.

It is believed that a Saving Fund Institution on a plan similar to those in our cities will have a beneficial effect, and be the means of preventing much distress.

The Board therefore recommend that we ask the co-operation of our citizens in an application to the Legislature for an act authorising the formation of a Saving Fund Institution in this county.

In the Report made last year the supply of coal required for 1833, is estimated at 480,000 tons, of which it was supposed the Lehigh company would furnish 100,000 tons, the Lackawanna 90,000, and the Schuylkill region 270,000 tons, and that a surplus of 20,000 tons should remain over of the former supply.

It will be borne in mind that the estimate was made in January, when it was fair to infer that we would have the usual quantum of cold, but the unusual mildness of the winter prevented the consumption of a large amount of fuel, and when the navigation opened, there was remaining unsold in the cities a much larger amount than was anticipated, the heavy amount on hand when the season opened deterred dealers from coming early into the market and prevented the amount from this section reaching the quantity estimated, while the Lehigh and Lackawanna Companies (who are miners and shippers of Coal) commenced early in the season and exceeded the amount at which they were rated, but in the aggregate the quantity sent to tide water varies but a comparatively small amount from the estimate made.

We subjoin an account of all the Anthracite Coal sent to tide water the past season, viz:

Schuylkill	250,588 tons.
Lehigh	122,621 do.
Lackawanna	111,777 do.

Total 484,986 do

From the Report of the Secretary of the Treasury made to Congress, 17th December last, it appears that there were imported into the United States in the year ending the 30th of September, 2,358,037 bushels of bituminous coal, being an excess of 1,335,792 bushels over the importation of the preceding year.

An account of all the coal consumed in the United States is a desirable object, but the amount raised in

Virginia being the product of numerous beds, is difficult to obtain. The Board are about taking such steps as will, they hope, result in their being able to lay before the Association at an early day a full and correct account of all the coal, bituminous and anthracite, sent to and sold in the cities on the sea board: in the mean time they annex an account of foreign coal imported into the United States for the last 12 years, together with the amount exported.

Year.	Bushels Imported	Expor'd	Remaining for consumption.	Imports in tons of 28 bushels.
1822	627,737	8,318	619,419	22,122
1823	970,828	4,167	966,661	34,523
1824	854,983	2,846	852,137	30,433
1825	764,815	2,414	762,401	26,228
1826	722,255	4,140	718,075	25,645
1827	970,021	1,080	968,941	34,605
1828	1,127,388	180	1,127,208	40,257
1829	906,200	1,173	904,477	32,302
1830	1,372,970	4,758	1,268,212	45,290
1831	1,640,295	12,480	1,627,815	58,136
1832	1,022,245	4,329	1,017,916	36,509
1833*	2,350,037			84,114

The increased quantity imported since 1827, is principally if not entirely derived from the Pictou and Sydney mines in Nova Scotia.

Those mines are the property of a company formed in England some years since, and were originally owned by the Duke of York,—after the death of that prince and his creditors became possessed of the property, they formed of it a joint stock company, and have perseveringly endeavored to introduce the stock into the United States, that an interest might be made sufficiently strong to reduce or abolish the existing duty on coal; they have in part succeeded, and at this time a large amount is held in the Eastern and Middle States, a great portion of it at a price merely nominal, the influence of the holder being considered equivalent to the difference between the price paid and the par value; to this may be attributed the exertions that have been made and are now making to have the duty reduced,—but a trade of such importance to the nation, a trade that gives employment to so large an amount of tonnage in the coasting trade, and from its certain increase (if fostered by the government,) may be looked to as a nursery for our seamen, cannot be sacrificed by the nation to satisfy the cupidity of a few designing men. And it is believed that it only requires that Congress shall be made acquainted with the state of the trade, and its importance in a national point of view, to insure its protection.

There has been and still continues to be a great diversity of opinion on what might be deemed a fair standard price for coal, but to establish a fair scale of prices is beyond the reach of any engaged in the trade, and must continue so until the consumers have become better judges of the quality of the different beds, time will determine the grades, and already a discrimination is made in many places between the different sections from which coal is sent, and while the hard whiteash coal of the Lehigh is preferred in some places, the Lackawanna, with the same colored ashes, but with a more open and lighter texture, finds friends and admirers in another quarter.

The Little Schuylkill Coal, partaking of the character of the Lehigh, but of a softer quality, also has its admirers, but to the Schuylkill proper a preference is decidedly given in most or all of the Eastern cities.

In this immediate region alone is to be found the red ash coal, so highly esteemed in New York and other

* The late Report of the Secretary of the Treasury does not enable us to furnish the quantity exported.

cities, as also the pure hard coal of the Broad Mountain, and the grey ash of the intermediate range.

Your Board feel confident that ere long coal will be coming so well known that it will command a price according to its quality, and like wood will bear the same rates as now exists between the best hickory and the worst pine.

At the close of the navigation there were 570 boats, averaging 41 tons each,—a large portion of those are old and must be drawn off, but it is believed a sufficient number will remain for the business of the next season, if the price of freight is sufficient to enable the owners to run them with any prospect of profit.

The canal may now be relied on, and the embankments having acquired solidity, the interruption to which we were frequently subject, owing to frequent breaches, are not likely to occur again. The following table will show the time of opening and closing the canal from the period of its completion to the close of the past season.

When opened	When closed	No. of days open	Remarks
1826 March 28	Dec. 15	263	Closed by the frost.
1827 March 27	Dec. 27	276	do do
1828 March 20	Dec. 21	277	do do
1829 April 2	Dec. 21	264	do do
1830 March 31	Dec. 31	276	do do
1831 April 8	Nov. 29	236	do do
1832 March 28	Dec. 20	268	Closed by order of the Navigation Company.
1833 March 25	Dec. 13	263	Closed by the frost.

It is generally understood (when speaking of tolls) that one dollar per ton covers all that the Navigation Company claims; but there are other charges which are not only burthensome, but being out of public view makes them more oppressive than open and direct charges; they consist of back tolls on empty boats, certificates for weighing, and ferriages over dams claimed by individuals, and over which the Navigation Company exercise no control, making together a charge of ten cents per ton.

The Board will address the Navigation Company on those subjects, and from the liberal and commendable course the Managers have heretofore pursued, they feel confident those charges will be abolished, and such a reduction made on the toll as will place this section in a situation to compete successfully with our rivals in other districts.

They have taken measures to obtain a correct account of all the coal remaining in first hands, and expect in a short time to be able to lay before you an estimate that may be relied on; at present it cannot be done with certainty, as a large amount of that laying in depot at Philadelphia, re-purchased for other places, and will be forwarded as soon as vessels can be obtained for its transportation.

An estimate of the quantity of Coal on the several landings in Philadelphia has appeared in some of the public papers, which is highly erroneous, and calculated to deceive the public into a belief that there is a much larger quantity on hand than there really is; we impute no improper motive to the compiler of that statement, being well aware of the difficulty of forming a correct conclusion without actual measurement, but being acquainted with the grounds covered, and with the actual amount on some of the landings mentioned, we feel warranted in saying the estimate is much above what it really should be.

It is usual to estimate a cubic yard of coal in the ground and undisturbed as one ton,—but coal varies in weight according as it is hard or soft, and the allowance is altogether arbitrary, yet on an average may hold

good; but when estimating a pile of coal due allowance should be made for wastage, &c. &c. &c.

From experiments made on several piles of a medium hardness it is found that it requires 40 cubic feet to produce one ton of clean coal, so that the quantity stated to be in first hands in Philadelphia, (63,445 tons) would, if piled 50 feet wide and 8 feet high, extend 2114 yards, or more than 1 1-5 miles.

The policy of mining extensively during the winter months has long been doubtful, and experience has proved that it can be done with more advantage when the season opens and the coal can be sent direct to market; this course appears to be admitted by all engaged, and it is believed that when the navigation opens, the stock will be small in comparison with former years, and should purchasers be tardy in coming forward, it is feared an advanced rate of wages will be demanded during the summer.

The increased consumption has thus far kept pace with the increased supply, and was no impediment thrown in the way, we might safely anticipate a demand for 500,000 tons for the coming year, but the novel and alarming position assumed by the President of the United States, by which he attempts to regulate and control the currency and funds of the nation, if not promptly and effectually checked by Congress, will paralyze our trade and prevent our sending to market the quantity which a healthy state of trade would warrant, dependent as the coal trade is on the cities and manufacturing districts, all that effects them is immediately felt by the Collier, and it is much feared that the mistaken course adopted by the President if persisted in and sustained by Congress, will include us in the general ruin that impends over the nation.

Should our forebodings prove unfounded and trade be once more allowed to follow its accustomed course, our section is prepared to furnish its full quota, and from the increased credit of our article, we have reason to expect we will do our full share of the next year's business.

In conclusion, the Board cannot withhold the expression of their gratification at the high character our article has obtained in the market, and they feel every confidence that the Colliers of Schuylkill county will, by following the course they have heretofore pursued, preserve the reputation of their staple, and add to the confidence now reposed in them.

In behalf of the Board.

BENJAMIN H. SPRINGER, President.

Pottsville, Jan 4, 1834.

APPEAL IN BEHALF OF THE EXPATRIATED POLES!

To the citizens of the City and County of Philadelphia.

Fellow Citizens.—The duty of addressing you in favor of the destitute exiles from Poland, was devolved upon us by the town meeting assembled for the purpose of deliberating on that subject on the evening of the 30th ultimo.

We approach this cause with feelings at once of melancholy and of pleasure—of melancholy, that in any quarter of the Globe, and in this enlightened age there should be found a despotism so heartless, and a policy so brutalized, as to render such an appeal necessary—and of pleasure, from the confident hope that your generous feelings will, with their accustomed promptitude, respond to the call in favor of human suffering and of outraged freedom. You need not be told how magnanimously these men have contended in their recent struggle for their rights and liberties. You are fully informed of the glorious self-devotion with which "their lives, their fortunes, and their sacred honor" were pledged for that which you all regard as dearer than life—the freedom of your country.

You are abundantly apprised that another has been

added to the long list of crimes, which have within the last century been perpetrated by the ban of lawless power, against the rights and liberties of Poland. You do not require to be reminded that the treachery of her foreign despots, and the tyrannical exercise of power, gave the first impulse to the late revolution. You have felt a poignant anguish at the recital of the wrongs, insult and cruelty with which the sons and daughters of Poland have been treated since the disastrous fall of her capital.

Your souls have swelled with exultation and gratitude when you heard that the venerated champion of liberty in Europe, had raised his voice in behalf of the glorious band of Polish heroes. You have felt that the claims of those whose souls have been tried under the banner of Skryznecki, in the sacred cause of liberty—a cause involving the happiness of themselves and their posterity, are entitled to your warmest regards and most liberal munificence. You have spoken, indeed, while the contest was yet raging. Even then did your thousands assemble to cheer the struggle for freedom, and your generous youth burned to repay the debt of gratitude which Polish heroism had imposed on their sires. Though your noble purposes were thwarted, and your indignant hearts sank at the melancholy tale of defeat which soon ensued, yet we do not allow ourselves to doubt, but that you will seize the present occasion, to testify at once your gratitude for ancient obligations, your admiration for heroic martyrdom to liberty, and your detestation for all who have, in any quarter of the world, aided, abetted, or with complacency regarded the catastrophe of the gallant people whose sons are now among us.

There is in every truly American heart, a feeling which we will not insult by the insinuation, that it needs on an occasion like the present, any prompting of ours to urge it into action.

You are not, fellow citizens, called upon to afford protection and comfort to a band of criminals, nor to worthless paupers, whom the hope of lightning their own parish poor rates, has induced the crafty officers of some European monarchy, to thrust upon your shores. No, though in temporary distress, these high-minded and virtuous men are only seeking among us the means of applying in peace and freedom, their talents and industry to their own support, and to the support of the free institutions of our happy country. We would neither cherish in them—nor ask you to foster, as we know they do not entertain,—the wish, to be supported without the exercise of such powers and faculties as each may possess.

They have, by incurring the hatred of despots at home, shown themselves pre-eminently deserving of the sympathy of the humane and generous of every nation, and in an especial manner of the lovers of freedom in America. They come to your shores after every hope and prop of liberty has been ruthlessly torn from their native land. They could not endure to walk among the monuments of Poland's greatness and magnanimity, polluted as they are by the accursed hands of tyranny. They braved death in every form until they saw the graves of their glorious ancestors marked with the hated footsteps of Muscovitish despotism. They clung to the hope of protecting female innocence and helpless infancy, until both had been torn by barbarian violence from their altars and their firesides, and consigned oftentimes to *separate* hopeless exile, amid the dreariness of a Siberian de-ert.

Instead of finding on the territory of neighboring nations the hospitality which their gallant conduct ought to have insured, they found no alternative except that of either embarking to these distant shores, or being driven back into the power of the inhuman conquerors to be consigned to the horrors of banishment to a distant and inhospitable clime.

Can you, under these circumstances, doubt which ought to have been their choice! can you question the

wisdom of their decision, in seeking amidst the sons of Washington and brethren of Lafayette, the asylum which has ever been tendered to the virtuous and the oppressed? Would the countrymen of Kosciuszko, Pulaski, and De Kalb, have done justice either to themselves or to you, by any other decision than that of flying to your sympathy and protection?

We earnestly solicit you to contribute liberally, as your circumstances may permit, towards relieving the immediate necessities of these exiles now thrown upon your charitable regard. Destitute of resources, and ignorant of our language, their sole dependence is on your benevolence.

A moderate sum will be sufficient to provide for their immediate wants, and to furnish this Spartan band with the means of speedily establishing themselves, as useful and valuable citizens of our republic. But a most meritorious and effective relief may be afforded to them, by furnishing them with employment—to rescue them from the humiliation of a dependence on charity. Farmers and gardeners in the neighborhood, who may employ them at a small stipend beyond their board and lodging till they acquire some skill in the labors of our country and in our language, will deserve well of them and the country at large.

Respectfully,

MATTHEW CAREY, Chairman.

John Swift
Robert Patterson
Josiah Randall
James Gowan
Thomas Mitchell
T. McKenney
A. H. Richards
Jos. R. Chandler
David Paul Brown
Walter R. Johnson
B. W. Richards

Joseph S. Riley
Henry Zontzinger
W. J. Duane
Peter Fritz
J. M'Henry
James O'Donnel
Joseph F. Fisher
W. P. Smith
James Hanna
H. G. A. Blankman.

Philadelphia, May 5, 1834.

From the Philadelphia Gazette.

PHILADELPHIA INSTITUTION FOR THE DEAF AND DUMB.

At an annual meeting of the contributors to the Pennsylvania Institute for the Deaf and Dumb, A. HENRY was called to the Chair.

The following report of the Board of Directors was laid before the Contributors.

The Board of Directors of the Pennsylvania Institution for the Deaf and Dumb, respectfully present to the Contributors, the following report of the state of the Institution during the past year.

Within that period one hundred and six deaf mutes have enjoyed the advantages of the Institution, either wholly or in part, eight have left it, twelve have been admitted, and there now remain ninety-eight; of this number forty-six are supported on the foundation of the State of Pennsylvania, twelve on that of Maryland, and six on that of N. Jersey, twenty-five are supported by their friends, one by the Institution, and the remaining eight are employed in various capacities.

The Board report with regret the death of Susan Mary Tanneyhill, a pupil on the foundation of the State of Maryland. The deceased was one of our best pupils—she died on the 24th of last July, of inflammation of the brain, after an illness of twelve days, having been in the Institution four years and one month. She was interred in the burial ground of the Methodist church, in the southern part of the city, her parents being connected with that denomination of Christians. With this melancholy exception the Board have as heretofore to acknowledge their gratitude to God for the continued healthfulness of the interesting family committed to their charge, and that no fatal disease has been permitted to visit it. They also deem it a du-

ty to express their obligations to Drs. G. B. Wood, Wm. Rush, and J. Randolph, the physicians connected with the Institution for their benevolent and assiduous attention. This able medical attendance combined with the salubrity of location, and the unceasing attention of the Matron, must inspire parents with full confidence that their children are as safe and comfortable, both in sickness and in health, as they could be in the homes which they have left. The Board bear testimony with pleasure to the entire qualification of the Matron, Hannah Elfreh, for the arduous duties entrusted to her.

Mr. James C. Sharon resigned the situation of teacher, in September.—Mr. Benjamin B. McKinley of this city, and a graduate of the University of Pennsylvania, was appointed a teacher on the 16th September, and Mr. Jas. C. Kerr, a graduate of Jefferson College, Pennsylvania, received a similar appointment on the 21st of November. Mr. Joseph Pyatt, a deaf mute, educated in the Institution, was received as an assistant in the schools on the 3d of March. The frequent change of instructors has been found in this, as in all similar Institutions, a serious disadvantage which the Board trust will be greatly obviated, by the plan suggested in their last report, of employing one more teacher than is absolutely necessary. It will no doubt be found of advantage to have a portion of the teachers, deaf mutes, as there will be less probability of their being diverted from their arduous, though interesting occupation, to lighter or more profitable pursuits.

We have great pleasure in recording our entire satisfaction with the exertions of all teachers, and deem it but justice particularly to note the devotion and ability of Mr. Abraham Hutton, the principal, who has most assiduously employed twelve years of his life in the service of the Institution, and in the responsible duties which have been devolved upon him, the labour of which has been much increased by the frequent resignation of his fellow labourers. The pupils are divided into six classes of which one, in addition to his general superintendence, is under his immediate instruction.

The mechanical and horticultural exercises of the pupils have been continued, and afford an agreeable and healthful relaxation to all, and to some the means of future livelihood.

An honorary certificate was awarded to the female pupils, for straw work, by the Franklin Institute at their last exhibition.

Numerous additions have been made to the cabinet and library. A list is annexed of those to whom the Institution is indebted for donations.*

The editors of several of the city papers send copies of their Gazettes to the Institution, for which, as well as for their liberality in publishing the advertisements of the Institution, the thanks of the Board are justly due.

The Treasurer's account shews the receipts and expenditures during the year.

The Board conclude their report with feelings of gratitude to Almighty God for the continued blessing with which he has smiled on the efforts of this Institution to restore to the intercourse of social and religious life, a portion of the human family whom his mysterious Providence had apparently consigned to all the miseries of ignorance of his existence, and of their own powers, and to exclusion from the occupations and enjoyments of the present life, and the anticipations of that which is to come.

By order of the Board.

WM. WHITE, President.

ROBERT HARE, Jr. Secretary.

* Messrs. Samuel B. Morris, John Pray, Samuel R. Wood, Alex. Struthers, Mitchell Graham, John P. Engles, John Linton, James U. Kerr, Robt. T. Evans, John Gibson, Capt. John Phillips, Mrs. Hannah Elfreh, Mrs. Hannah Paleske, Mrs. Follin,

STATEMENT

Of the Receipts and Expenditures on account of the Pennsylvania Institution for the Deaf and Dumb, from May 1, 1833, to May 1, 1834.

1833 ^c	Cr.	
May 1, Balance in the Treasurer's hands,		702 20
May 1, 1834, Cash received to this date, viz:		
Commonwealth of Pennsylvania, indigent pupils,		8,808 37
State of Maryland, do. do.		3,329 68
State of New Jersey, do. do.		837 69
Pay pupils,		1,977 28
Manufacturers' sale,		2,539 34
Annual contributions, commissions deducted,		307 10
Interest on moneys loaned,		300 01
Family expenses, empty flour barrels sold,		4 51
		<hr/> \$18,806 08

Dr.

May 1, 1834, Cash paid to this date, viz:	
Family Expenses,	4,546 09
Salaries of teachers, matrons, steward, and superintendents,	4,527 08
Moneys loaned temporarily on interest,	3,684 27
Manufactures,	2,862 99
Interest on loan to the Institution,	740 00
Incidentals,	669 14
Household furniture,	60 00
Pay pupils, sundries,	15 95
Balance due the Institution,	1,700 56
	<hr/> \$18,806 08

E. E. Philadelphia, May 6th, 1834.

JOHN BACON, Treasurer

LAND TITLES.

(Continued from Vol. xii. page 363.)

It becomes necessary now, to notice another mode of selling lands in the province, which was adopted in the year 1735, by lottery; the scheme of which was published on the 12th of July, in that year, and was as follows.

Scheme of a lottery for one hundred thousand acres of land in the province of Pennsylvania.

The honorable the proprietors of the province of Pennsylvania, having considered a proposal made to them for the sale of one hundred thousand acres of land, by way of lottery, and finding that the same tends to cultivate and improve the lands, and consequently increase the trade and riches of this province; and also considering that many families are, through inadvertency, settled on lands to which they have no right, but by becoming adventurers in such a lottery may have an opportunity of securing those lands and settlements at an easy rate, to themselves and their posterity; have therefore agreed,

1. To sell by way of lottery 100,000 acres of land, and estimate the same at the settled price of fifteen pounds ten shillings, current money of this province, for one hundred acres, which amounts unto the sum of

£15,500

And that the same be purchased by the sale of 7,750 tickets, at forty shillings each, which likewise amounts to

15,500

2. That whereas a quit rent of one half penny sterling for every acre, (or four shillings and two pence for every hundred acres) is now annually reserved on all lands granted by the proprietors; yet for the particular benefit and advantage of the adventurers in this lottery,

no more than one shilling sterling shall be reserved on every hundred acres of the said 100,000 acres as was agreed to, and paid by the first purchasers and settlers in the province. The reservations as to mines to be as usual; that is to say, three-fifth parts of all royal mines, and one-fifth part of all other mines; free of all charges for digging and refining the same.

3. That the tickets to be delivered to the adventurers be expressed in the words following, viz.

This ticket entitles the bearer to whatever prize shall be drawn against the number hereunto prefixed, in the lottery for the sale of one hundred thousand acres of land in the province of Pennsylvania.

4. That the number of blanks and prizes be as followeth, viz.

Prizes	Acres.
1	3000
2 of 1500 acres	3000
10 of 1000	10,000
20 of 500	10,000
140 of 200	28,000
150 of 100	15,000
250 of 50	12,500
720 of 25	18,000
Benefits 1,293	99,500
Blanks 6,457	200 first } drawn
	300 last }
Tickets 7,750	100,000 { besides any other prize that may be drawn against them.

5 That the number of acres the adventurers shall be entitled to, may be laid out any where within the province, except on manors, lands already surveyed, or agreed for with the proprietors or their agents, or that have been actually settled or improved before the date of these proposals; provided nevertheless, that such persons who are settled on lands without warrants for the same, and that may be entitled to prizes either by becoming adventurers themselves, or by purchasing of prize tickets, may have liberty to lay their rights on the lands where they are so seated.

6 and 7 Managers appointed, to draw the lottery, publish the prizes, &c.

8. That the adventurers entitled to prizes, are to bring or send in their tickets to be examined with the books kept by the managers, that certificates of the prizes belonging thereto may, by any one of them, be endorsed thereon, which being produced at the Secretary's office, warrants shall immediately issue to the surveyor-general, directing returns to be made accordingly; on which returns patents of confirmation shall be forthwith granted, on the usual fees to the several officers concerned. For which examination and certificate two shillings and no more shall be paid.

9, That any person having a right to sundry small prizes, may have them, or as many as he shall choose, included in one warrant, or a large prize divided into smaller parts, not less than 200 acres in one parcel, and take warrants accordingly.

10 That for the more effectual securing to the adventurers the surveying and taking up of lands they may be entitled to; and to the end that the same may be laid out to their satisfaction and advantage; it is agreed by the proprietors, that from the date of these proposals, and for twelve months after the drawing is finished, no warrants shall issue for the taking up any vacant lands within the province, nor that any lands therein be surveyed, except only on former contracts, and warrants that have issued, or lands seated and improved before the date thereof.

11. That the lottery be drawn in public, in the month of December or January next, or sooner, if the whole number of tickets shall be disposed of before that time.

Lastly, Whereas several of the adventurers may be unacquainted with proper places whereon to locate their prizes they will be entitled to: it is therefore further agreed, that several tracts of the best vacant land shall be laid out, and divided into lots, for all prizes not less than 200 acres; all which lots shall be numbered, and drafts thereof lodged with the managers, and the surveyor general. The prize tickets of 200 acres and upwards, (which will be mixed with the other prizes and blanks) are likewise to be numbered on the inside thereof, so that the situation of all such prizes will be determined at the same time that the tickets are drawn, by corresponding numbers on the said drafts; exact registers of the numbers on such tickets are to be made with the daily entries of prizes drawn, that the adventurers may, on examination, know what lots they are entitled to.

But for the further satisfaction of the adventurers entitled to such prizes, they shall have the choice either of abiding by their respective lots, or of lying their rights on any other lands within the province, as is provided in the fifth article. And such of the adventurers as shall be entitled to prizes of 500 acres and upwards, may have them subdivided into parcels of not less than 200 acres, by regular lines, conformable to the courses of the whole tract, and take either one or more of those subdivisions.

The several located tracts above mentioned, with the usual allowance for roads and highways, shall be reserved for the use of the adventurers twelve months after the drawing shall be finished, and no longer; that is to say, six months for the use of those entitled to prizes of 200 acres and upwards; but if they do not within that time declare to the said managers their intention of taking the lots that fall to their share, any adventurer, possessed of other prizes, may, within the remaining six months, lay their rights, by regular lines as aforesaid, on such appropriated lots.—(Proprietary papers, No. 197.)

This lottery never filled, and was therefore never drawn; yet as many tickets were sold; they became the titles to lands. But the surveys were made, and the lands surveyed were for a long time kept apart from the common mass of property; and so late as the years 1769, and 1770, we find warrants of acceptance for part of these lottery lands, on special terms. Upon inspection of the warrant book, no warrants appear to have issued for more than a year, but for parts of old rights, or such as were founded on previous settlements and improvements, on former agreements, or warrants of re-survey, as promised in the lottery scheme.

Of the law of improvements, we shall speak at large in another part of this note. It grew up from a very early period, by the acquiescence of the proprietors, and their officers. In this lottery scheme they are recognized, and excepted from other appropriations, although there could be no necessity arising from the shutting of the land-offices in 1735. It is true, in the beginning of the scheme, improvers are spoken of, as persons who had inadvertently settled on lands to which they had no right; yet they were never disturbed, although some of the public acts of the proprietors seem to discountenance the practice. It had however taken so deep a root, that at his period, and in later times, it became a part of the settled law of the board of property to give the preference to the improver in every case of conflicting rights.

Improvements, without warrants, did not form part of the system of William Penn; nor did he contemplate any other kind of title, than legal purchases from himself. Thus, in 1687, one Allen had seated land contrary to order, and without being surveyed. He was therefore ordered to appear before the commissioners, to give his reasons therefor, or process to issue against him in the proprietary's name. He appeared accordingly, and was ordered to leave it in a reasonable time, or be prosecuted. Journal F.

November 23d, 1738, the following proclamation issued, by the proprietaries of Pennsylvania.

Whereas great numbers of people have heretofore obtained from our commissioners of property and lately from ourselves, warrants directed to our surveyor-general, for surveying to them the quantities of land mentioned in their respective warrants, for which they agreed to pay to us the consideration money and quit-rents, therein specified and reserved, with express conditions in the said warrants likewise contained, that in case the persons to whom the said lands should be surveyed, did not fulfil their respective agreements within the space of six months from the date of the said warrants, that then the said surveys were to be void.

And whereas many persons have by colour of the said warrants and surveys, possessed themselves of the land mentioned in the said warrants, without having complied with any part of the conditions upon which they obtained the same within the time therein limited, by reason whereof the said warrants and surveys, and all the estate thereby intended to be conveyed, are become utterly void.

And whereas others under pretext of leave from our commissioners, and some without any leave, licence, warrant, or other authority whatsoever, have entered into the possession of our lands, and have taken upon them to transfer their claims, under the name of improvements, to others for considerable sums of money, and great numbers of all sorts have cleared great part of the land upon which they are seated, and continue to cut down and destroy the timber, without any regard to our property, and in manifest prejudice of our right; so that we might legally proceed without further delay, to remove all such persons from their possessions; yet in consideration of the hardships which many of the persons might suffer in the winter season, should they now be turned out of their dwellings, we have thought fit to give this public notice to all who hold any of our lands under any warrants or surveys, or pretended assignments, or under pretence of a possession without authority as aforesaid, or otherwise howsoever, who have not paid any consideration money for the same; that unless they shall before the first day of March next, pay unto our receiver general the consideration money which ought to be paid according to the usage of our land office, for the lands of which they are possessed by colour of the premises, so that they have been confirmed by patent, they will be proceeded against according to law, in order to be removed from their possessions; and the lands from whence they shall be removed, will be granted to such as will pay for, and improve the same. By order of the proprietaries. *Richard Peters, Sec'y.*

That this call upon the people was not complied with in very many cases, is certain. That any measures were pursued to remove settlers does in no wise appear; and but a little reflection is necessary to persuade any one that proceedings of that nature would have been impracticable. The strong presumption is, therefore, that such a measure never was attempted. But to this period we trace a new kind of warrant, called a Vacating warrant. These warrants recite, "That a former warrant of a certain date had been granted for the land, and that no money had been paid, and that the warrantee had not complied with the terms." The proprietors therefore vacate the old warrant, and direct a survey to be made of the land to the new warrantee, or that the survey already made be returned and accepted to his use, (as the case may be.) The other recitals are various according to the circumstances attending the particular case. Sometimes they recite transfers from the original warrantee; but in many cases, where no money was paid, there are no recitals which can lead to any facts respecting the nature of the transaction, or enable us to determine precisely, whether in any case such vacating warrant issued adversely. In many cases, where money had been paid on account, such payment is carried to the credit of the new warrantee; which could not have been done, but by some

compromise with, or satisfaction to, the original owner, manifestly appearing to the officers. In other instances a mixed kind of warrant appears, partaking partly of a vacating warrant, and partly of a warrant of acceptance: An instance of this latter kind is here given: "Whereas a warrant dated the 6th day of January, 1737, was granted to Joseph Scott for two hundred acres of land, &c. but the said J. S. did not comply with the terms of the said warrant, whereby the same became void; nevertheless his executors took upon them to sell the said land at public vendue, &c." it then recites that the purchaser procured a survey to be made to H. B. "who hath humbly requested us to grant him a warrant for the acceptance of the said survey, and we favouring his request, &c."

There is but one case on this subject, the lessee of Robert Lowrey, v. James Gibson in Cumberland, April 1796, before Shippen and Yeates, Justices.—MSS. Reports.

Ejectment for 200 acres of land in Hopewell township, brought in the common pleas to October term, 1781.

The plaintiff claimed under a survey, 200 acres made by Thomas Cookson, D. S. on the 11th of September, 1744, marked "surveyed on a ticket, warrant to be made out," and a subsequent warrant to the lessor of the plaintiff for 100 acres of land in Hopewell, and dated 18th February, 1744—5. Both the survey and warrant were indorsed—vacated and returned for the use of George Croghan.

The vacating warrant was dated 22d of June, 1749, in favour of the said George Croghan, and recited that "the conditions of the former warrant had not been complied with." The defendant claimed under a patent issued on the day following to Croghan.

It did not appear, that any money had been paid by Lowrey, when he obtained his warrant, or that he had ever been in the actual possession of the lands in question. On the contrary, it was sworn by one witness, that in 1779 he wished to buy the lands from plaintiff, and offered him 100*l* for them, if he could make him a good title; and inquired of him whether he had not contracted with Croghan for the tract, to which he replied in the affirmative, but that he had received from him only 6*l*. The land was then uncleared, but now almost all of it was in cultivation.

The plaintiff's counsel contended, that vacating warrants were utterly against law, unless preceded by an actual entry. The late proprietaries were as much bound by settled legal principles, as any individuals. No private person, after any lapse of time, however great, could annul by his own power, a contract of sale, by a memorandum endorsed thereon. Warrants to survey lands, recite the agreement of the parties, the terms of purchase, and the time of payment. Money was commonly paid on the issuing of the warrant, and so the jury would presume in the first instance, though no proof was given of it.

At all events a warrant effected an estate or condition, and in case of a condition broken, the law was clear, that a re-entry was necessary to defeat the first estate granted, Co. Lit. 202, b, 218, a, b, 2 Black. Com. 155. Supposing it to be a mere agreement for the sale of lands, the vendor, after he had contracted to sell, stands in trust for the vendee. The maxim in equity is clearly established, that what ought to be done, shall be taken as done. 3 P. Wms. 215. 3 Black. Com. 438. 2 Vez. 631. 638. and a covenant for a valuable consideration, in equity, tantamount to a conveyance. Powel on Dev. 594. Where there is a condition for the payment of money, the court will grant relief. 1 Str. 453. If paid with interest it is sufficient, 1 Fonb. 388. The prevailing distinction in equity, is to relieve against conditions, as well precedent, as subsequent, where compensation can be made. 1 Eq. abr. 108. Ambl. 511. 514. 1 Salk. 156. 1 Chan. ca. 49. 96. 12 mod. 184. 2 Vern. 222. 266. 594. But this condition is not precedent to the vesting of the estate. It is similar

to the case in *Gilb. Eq. Rep.* 43. *Proc. Chan.* 387, S. C.

The clause usual in all warrants, that "in case the party fulfils his agreement within six months from the date, the warrant and survey shall be valid, otherwise void," has never been construed with the strictness contended for by the defendant: and if such was the law, the most pernicious consequences might ensue to the community. A custom to vacate warrants has never existed, where surveys have been made on them; and such warrants have never prevailed, unless by the agreement of the party who took out the first right.

The defendant's counsel argued, that whatever effect the words of a warrant might have, the fact was notorious, that many valuable titles depended on vacating warrants, which it would be highly dangerous now to unsettle. The late proprietaries, as lords of the soil, granted their lands in their own mode, and in many instances adopted the practice of issuing vacating warrants. The proof of particular equitable circumstances, inducing them thereto, cannot reasonably be expected after a great lapse of time. They will be presumed after a length of years and possession. Livery and seisin shall be presumed after a possession of twenty five years, *12 Vin.* 126.

Cases have occurred of warrants having been granted where no money has been paid, though it is admitted they are rare; but from no proof being given of such payment, the jury should not conclude there was no money paid.

Though an individual cannot by his own act defeat a purchase made from him, yet chancery would not decree the specific execution of a stale agreement; and hence it is, that warrants and locations not pursued up with proper diligence, will not give a title to lands. One coming to be relieved against a forfeiture, must claim within a reasonable time, *1 Vern.* 450. One co-nusant of his right, suffering another to build on his land, shall be postponed, *2 Atk.* 89. A defective estate shall not be aided against one who has the estate good consideration.

The court recommended to the counsel to state the case, in order that the legal point respecting vacating warrants might be solemnly settled in bank; but they declined it on each side.

The court then summed up the evidence to the jury, and premised, that in all case where there had been great length of possession, and improvements made under a complete legal title, the jury should be very cautious before they find a verdict against such person.

As to vacating warrants, many titles depended on them. Whether the common provisions in warrants, that "If the agreement was not fulfilled in six months; the warrant and survey should be void," were limitations or conditions, the court would not now determine; nor what was the strict legal operation of such warrants, giving a surveyor an authority to survey and make return of lands. Certainly the party in whose favour the warrant issued, might abandon his claim, and forfeit it by great laches, or neglect; or, in those early times, sell and transfer it by parol. Where one has trifled, or shewn a backwardness in performing his part of the agreement, chancery will not decree a specific execution. So where a contract has lain dormant many years.

When a warrant right, therefore, has not been pursued within a reasonable time, owing to such circumstances as have been before stated, or of a like kind, the proprietary officers pursued the custom of issuing vacating warrants, and such power, in the settlement of a young country, was absolutely necessary for the common welfare. It was not the usage to grant them, unless after full inquiry, and the special equitable circumstances thus ascertained, were never recited in the vacating warrants. The proprietaries were not in the habit of hunting for forfeitures, or of strictly exacting

them. Some proof of a sale by Lowry to Croghan, has been produced; but from the length of time since the transaction happened, it would be reasonable to presume some grounds on which the vacating warrant issued, if no such evidence had been given. The law greatly favours a long possession, and it is fair, just, and legal, to presume a contract of the plaintiff with Croghan, without positive testimony. An act of parliament may be presumed; a grant may be presumed from great length of possession, *Cowp.* 215. No evidence has been given of any collusion between the proprietary officers and Croghan.

Supposing, however, the complete legal right of the defendant out of the question, and that he relied solely on his possession, and those who preceded him, how would the case stand? The survey was made on a ticket, previous to the plaintiff's warrant, which does not appear to have been accepted in the proper office, whether he paid money on his warrant, or not, of which there is no evidence. If he did not with due diligence follow up his warrant, lay by 37 years before he brought his ejectment (which is near 15 years ago;) took no possession, nor did any act of ownership, but silently permitted others to improve the soil by their labour, he cannot now expect to succeed on any principle of law or equity. Verdict for defendant.

But that the cases are rare in which warrants issued without the money being paid, as stated by the defendant's counsel, in the foregoing case, cannot be admitted. On the other hand they will be found to be very numerous; and are of two classes: Such as issued with the proprietors's knowledge and consent, expressed; in which cases an entry will appear, in the margin of the warrant, "By special order,"—and such as went out without such consent expressed, for reasons which perhaps cannot be ascertained.

There is a large number of warrants in the office in a situation still more singular; many which have never been acted on, and others which have; and which form the basis of many titles. We allude to such as have never been signed by the governor, whose signature was necessary. For one class of warrants under this circumstance, the records of the Board of Property furnish a satisfactory reason; and as some titles may depend upon it, the explanation becomes indispensable.

In the year 1755, a warrant issued for lands on the Juniata, in the name of Barnaby Barnes. It was not signed, nor any money paid upon it. A survey was however made upon it, which was not returned, until a subsequent warrant was applied for, and issued, for the same land, on which money was paid; and it came before the Board of Property, on a contest between the two warrantees, for decision, as to which warrant the survey should be returned, on the 15th of May, 1768. The Board decided, (Governor John Penn being present,) that Barnaby Barnes's warrant was in the same situation as that of many others in Governor Morris's time; they were made out and entered in the warrant book in the secretary's office, and sent to him to sign, but were never signed by him. They therefore held Barnes's warrant to be the first appropriation of the land, and confirmed it accordingly. Minute book 1, page 121. The patent issued, but the warrant was never in the Surveyor General's office. The proprietor did not permit any person to be injured by the negligence of his own deputy. Robert Hunter Morris was governor from the beginning of October, 1754, until about the 20th of August, 1756.

The foregoing being a case in which the warrant was not only unsigned, but on which no money was paid, is in opposition to the sentiments of the court in the lessee of Daniel Gripe v. the Rev. David Baird, Huntingdon, May 1803, before Yeates and Smith, justices, MSS. Reports; in which the remarkable fact of Governor Morris's negligence in signing warrants, was either not known or not mentioned; although the plaintiff's warrant was exactly in the same situation, having been is-

sued in Governor Morris's time. The case was as follows:

The plaintiff claimed under a warrant issued to Samuel Smith, for one hundred acres, in, &c. dated 3d of February, 1755, upon which a survey of one hundred and eighteen acres and allowance was made on the 3d of December, 1774, by Thomas Smith, D. S.

The original warrant directed to Richard Tea, the former deputy surveyor of the district, and indorsed by T. Smith, "Executed 3d December, 1774, Spring meadow," together with other office copies of the warrant, were severally unsigned by the Governor.

Mr. Smith was examined as a witness, and proved that it was the uniform practice of succeeding deputy surveyors to execute warrants directed to their predecessors, without a new direction for that purpose, and such surveys had been invariably received in the Surveyor General's office; but having made the survey, Mr. Smith declined sitting as a judge in the cause.

After the testimony was closed, Yeates J. interrupted the defendant's counsel, who were opening their defence. He said Judge Smith's testimony had fully obviated one difficulty which presented itself respecting the survey; but he thought it impossible to support the survey, unless the original warrant had been signed by the Governor for the time being, as the chief commissioner of the Board of Property, or money had been paid thereon to the Receiver General. The objection, however, appearing to be a surprise on the plaintiff's counsel, which they were unprepared to meet or answer, a juror was withdrawn by consent.

The case came on again, before the same judges, in May 1805, when a credit was produced from the Receiver General's books for £5, on account of the warrant; and it was admitted to be an authority to survey the lands, as the party had complied with the contract on his part. But a verdict was found for the defendant on other grounds. MSS. Rep.

In bringing together so great a number of facts, it is impossible to avoid some repetition; nor can the order of time be distinctly observed; this part of the note is, as it is called, entirely miscellaneous; and perhaps as irregular as the subject.

It must have been observed, that in Barnaby Barnes's case, a survey made on a warrant, which was not only unsigned, but no money paid, nor the survey returned, was not for any of these reasons considered to be illegal; but was adopted, as being the first appropriations of the land by the Governor, who was himself one of the proprietaries, and the whole Board of Property, in opposition to a regular warrant and money paid. It is true the warrant issued in Governor Morris's time, who appears generally, to have neglected to put his signature to the warrants, without which they could not be entered with the Surveyor General.

It also appears by the recital of a very great number of vacating warrants, where surveys were made, that no money was paid, so that the practice must have been pretty general.

In coming down to Secretary William Peters's time, in 1762, we find certificates delivered that warrants had issued, when none had, nor can be found; and no money was paid. Yet we find surveys made on these, which were legalized in Mr. Secretary Tilghman's time, by warrant's of acceptance. These entries on the warrant books, where the warrants did not formerly issue, in 1762 and 1763, have been likened to applications, to which they bear no correct resemblance. Certificates were printed for the purpose of being sent into the country, upon which the surveys were made; and it rather appears to have been a plan adopted by the secretary, (however irregularly and improperly, certainly not improvidently, in the technical sense of the word,) for the accommodation of the people who were willing to settle in a remote and mountainous country, and probably could not afford to pay down even the price of a warrant.—And whatever complexion might be given to

a single case coming before a court of justice, without a view of the extent of a particular practice; that complexion would be changed by proof of such frequency in the mode, as evidently to shew it to have been intentional, and the deliberate act of the proprietary's own agent. And it is further presumed, that the special instructions given to the deputy surveyors, at a subsequent period, not to make any surveys, but upon orders from the Surveyor General, for the future, looked back to this irregular practice, and implicitly recognized it. So, with respect to warrants which issued in very great numbers, without money paid; the same mode of reasoning would apply. The practice was too common. The mischief of declaring such warrants void, would be extensive; nor would it be for the benefit of the commonwealth, that they should be declared void.

But it is our duty to exhibit every bearing of every case; to give the practice of the country as it was or is. The legislature and the courts alone can establish systems.

In the lessee of Bernard Dougherty v. John Piper, Bedford, November, 1801, before Yeates and Smith, justices, (MSS. Reports,) which was an ejectment for 108 acres, and 152 perches, in Coleraine township.

The plaintiff claimed under a slight improvement of some adjacent land, made by James Wells, who sold to Edward Logston, on the 16th of January, 1765. Logston conveyed to Dougherty, on the 26th of the same month.

He offered in evidence a copy of an original warrant in his own name, dated 17th of April, 1766, for 250 acres, including his improvement, which he purchased of Edward Logston, who purchased of James Wells, lying on a branch of Juniata, called Piper's run, known by the name of the Flag-bottom, about 14 miles from Bedford. Interest to commence from 1st of March, 1762; on this warrant was endorsed a direction, under the signature of John Lukens, then Surveyor General, to Richard Tea, deputy surveyor, to execute the warrant; also, in the hand writing of the said Richard Tea, "Executed, November 11th, 1766, 293 1-4, as recorded by R. Tea."

The plaintiff likewise offered the draught of survey made by the said Tea, on the 11th of November, 1766, containing 293 1-4 acres.

To the reading of these papers to the jury, the defendant's counsel excepted: and produced a certificate from Samuel Cochran, Surveyor General, that no such original warrant, nor any traces thereof, could be found in his office; a second certificate from Francis Johnson, Receiver General, that no money appeared in his office, to have been paid thereon; and a third certificate from David Kennedy, Secretary of the Land Office, that the original warrant then remained in his office.

It likewise appeared, by the testimony of Mr. Justice Smith, that during the period in which William Peters acted as Secretary of the Land Office, some complaints existed, as to issuing warrants, where they had not been paid for, but that all these irregularities were cured, when James Tilghman came into that office.

By the Court. Let the warrant and survey be received in evidence. Their operation will be judged of afterwards. It will be remembered, that the warrantee has not conveyed his right to any other person; and the warrant has issued from the office *improvidently*.

The residue of the case goes to other points, not applicable here.

Again, in the lessee of John Nicholas, and others, v. William and John Holliday, Huntingdon, May, 1802, before the same judges. MSS. Reports on an ejectment for 200 acres of land in Frankstown township.

The plaintiff claimed under a warrant to Edward Nicholas, for 150 acres, including his improvement, about one mile and a half from the forks of Frankstown branch of Juniata, in Cumberland county, dated 6th of September, 1762, on which £7 10s. was paid into the

office of the Receiver General, and a survey thereon, of 199 acres and 17 perches, made 25th of May, 1765, by Samuel Finlay, who acted under Richard Tea, the surveyor of the district.

The defendants set up a defence under the copy of an application entered in the Land Office, in warrant book, T, on the 3d of March, 1763, in the name of James Haldane, for 300 acres, on the south side of the middle fork of the Frankstown branch, including a dry draft above the hill, which closes in and stops the passage on that side of the creek, in Cumberland county; also on a like application, entered on the same day, in the name of Timothy M'Kinley, for 300 acres, (described as above,) about a mile and a half above the draft.

Two warrants appeared to have issued on the same 3d of March, 1763, to Haldane and M'Kinley, describing the lands as in their respective applications. They were both directed to Thomas Smith, with the following indorsements, signed by John Lukens, Surveyor-General. "It is supposed the land for which this warrant was granted, interferes with prior warrants. Execute this warrant on lands left out by prior warrants, and make return into my office."

Copies of Surveys made by Richard Tea, in pursuance of these warrants, on the 18th of May 1765, were offered to be read in evidence, the one for Haldane containing 301 acres the other for M'Kinley, containing 287 acres, which appeared to be returned into the Surveyor General's office, on the seventh of March, 1767.

These applications, warrants and surveys, were opposed as evidence, by the plaintiff's council. As grounds of objection, they showed a certificate from the Surveyor-General, that there were no warrants in his office to Haldane and M'Kinley, but that certified copies of the applications were filed therein, as of the date of 14th of July, 1794. Another certificate from the Receiver-General, that no money appeared to have been paid in his office, either on the application of Haldane or M'Kinley. Also two surveys by Thomas Smith, made on the 2d of December, 1774. the one for Haldane, containing 243 acres, and the other for M'Kinley, containing 202 3/4 acres.

They contended that an application for a warrant was no authority to survey lands in 1763. The papers produced were mere copies from the warrant book, and it is well known, that the introduction of locations, or applications as grounds of survey, did not obtain until August, 1766, in the proprietary Land Office. (This is a mistake of a year, as applications originated on the east side of Susquehanna, in 1765.)

The warrants must have issued fraudulently, or improvidently. No warrants ever issued without money being previously paid, or without reciting a consideration, as services performed, &c. But granting to these warrants a degree of validity to which they are not entitled, what authority had Richard Tea, to execute them? He could not legally act without a deputation. But they were specially directed to Thomas Smith, and he is interdicted expressly from surveying any lands which might interfere with prior warrants, which he certainly would not have done, if he had known the true state of the facts. The very execution of the warrants by Mr. Smith, was an abandonment of the former surveys, supposed to have been made by Tea. They were not warrants of re-survey. To afford a feeble prop to the unofficial surveys by Tea, copies of the applications are surreptitiously thrust into the Surveyor-General's office, as of July, 1794.

By the court. The papers offered, come before the court in a very questionable guise, and wear a suspicious appearance. But let them be read, as was done last circuit court, at Bedford, in Dougherty's lessee, v. Piper, in a case resembling the present. We will judge of their legal operation; and facts will arise on them, of which the jury are the constitutional judges.

It appeared in the course of the trial, that Haldane and M'Kinley had in June, 1764, conveyed their respective warrants to John Little, and Richard Tea, in consideration of £ 5, and that the defendant, William Holliday, on the 25th of April, 1774, had entered into an agreement for 500 acres, part thereof, at 20 s. per acre.

After the cause had been fully argued, the court charged the jury, that it was obvious the application for a warrant in 1773, before the system of locations was adopted, did not authorize a survey. Neither could a warrant directed to Mr. Smith, justify a survey and return by Tea, unless by the authority of the former. The act was unofficial. It is true the late proprietaries might bind themselves by warrants issued in a new mode; but this departure from the usual forms of the Land Office, must be shown to have been intentional by strong and cogent proof; otherwise the transaction would give just cause of suspicion of unfair practice; and it is clear, that the proprietaries officers could not, by such unusual procedure, divest or affect the interest of grantees claiming under prior rights, who had paid their money in confidence of such contract.

It may be remarked, on the above case, that it was not the usual practice to transmit the warrants, although sealed and signed, into the Surveyor-General's office, until the money was paid; although they have been both signed and sealed before the money was paid, and even this was contrary to usual practice to annex the seal before the money paid. But although the warrant for these reasons, was not filed in the Surveyor-General's office, yet it is evident he assented to its going out, by his special directions upon it, and two of the three officers of the Land Office, must have been fully aware of the facts. It is moreover not universally true, that unpaid warrants were not deposited in the Surveyor-General's office. The instances to the contrary are numerous.

It has been already stated that there are a great number of warrants of acceptance, which recite "—Whereas, by our consent and direction, a survey was made, &c." But there are no entries to establish the fact of consent. In the lessee of Benjamin Eli tt, v. Jacob Bonnet, Bedford, November, 1801, before Yeates, J. MSS. Reports. The defendant produced a warrant of acceptance, dated 26th of May, 1763, issued in favor of George Croghan; reciting, that by our consent and direction, there was surveyed in 1755, by John Armstrong, D. S. a tract of land, &c. and requiring the Surveyor-General to accept the survey, and return it into the secretary's office. The survey offered in evidence was dated in 1755, with the signature of John Armstrong, D. S. but without specifying any authority under which it was made, and was received in evidence after opposition, being called for in the warrant of acceptance.

The judge, in his charge, told the jury, that for any thing that appeared, this survey was an unofficial act, made without authority. The recital of it in the warrant of acceptance, as made by the consent and direction of the proprietaries, cannot legitimate it, as against the plaintiff, and those claiming under him. The recital is evidence against the late proprietaries and those claiming under them by subsequent conveyances, but not against those holding under an earlier right.

This case will be again cited for other purposes.

But although, generally, a survey would not be considered legal without authority, yet a particular custom to make surveys without warrant, upon payment of money to the deputy-surveyors, has been established by solemn decision. A single case will elucidate the whole law upon this point.

Lessee of George Woods, v. John Galbreath, Cumberland, May, 1798, before Shippen and Yeates, Justices MSS. Reports.

Ejectment for 70 acres of land, in West Pennsborough township.

The plaintiff claimed the lands under an early settlement made on them in 1744, by his father James Woods. Two surveys made by George Smith, a deputy employed by Thomas Cookson, deputy surveyor of the district, in 1745, said to contain 235½ acres, and allowance, without warrant. A receipt of Lynford Lardner, Receiver General, for £17 18s. on account of lands in Pennsborough township, by the hands of Thomas Cookson, dated 24th May, 1746. A second receipt of Edmund Physic, Receiver General, for 30L., on account of his land in the said township; a warrant to himself for 235 acres, including his improvement, and a survey made by Thomas Cookson's deputy in 1745, for his father, and a re-survey by William Lyon, thereon, containing 258 acres and 32 perches, on the 31st of October, 1771, and his father's will.

The defendant claimed under a warrant to his father, James Galbraith, for 150 acres, adjoining his dwelling plantation, dated 15th of April, 1763; a survey thereon of 222 acres and 127 perches, on the 2d of June, 1763; a patent dated 12th November, 1763, and his father's will.

On a caveat filed by James Galbreath against the acceptance of Wood's survey, the board of property, on a hearing, on the 29th of May, 1773, rejected part of the original survey, the same being said not to have been returned, and made without warrant, he having no improvement thereon.

The plaintiff offered William Lyon as a witness to prove the general usage of the Land Office, and of the deputy surveyors in that district, in early times, in making surveys without warrants, agreeably to instructions received from the secretary of the Land Office, on 5L. per hundred acres, being paid to such deputies, besides the surveying fees. That surveys thus made had uniformly been sanctioned by the commissioners of property; and that many titles to valuable estates depend on surveys of this nature, subsequent warrants having usually been taken out by the deputy surveyors, to whom the money had been paid.

The defendant's counsel objected thereto, and insisted that such usage could not with propriety, be received in evidence. Surveys made without the proper and usual authorities, were mere private acts, and could confer no right whatever. The defendant claims under a patent near 35 years old. This very point was determined between the same parties on a former trial in this court on the 1st of June, 1781, and M'Kean, C. J. then held, that a survey under such circumstances gave no title, and was wholly invalid; and the plaintiff thereupon suffered a nonsuit.

The plaintiff's counsel answered, that true it was, such was the event of the former cause, and such were sentiments of the court shortly after the Revolution, and in 1781. But a more minute consideration of the settlement of the country, and of the circumstances attending it, had since produced a different doctrine. So, of improvements, against which the courts at first much inclined, but on being afterwards much encouraged by the policy of the legislature, it became their duty, and it was now their practice to protect them. But there was little occasion to go into a system of reasoning upon the subject. In the case of the lessee of Samuel Turbett, v. William Nicholls, and Elizabeth Vance, at Nisi Prius at Chambersburg, on the 27th of May, 1789, the former question was again revived, on the deposition of General John Armstrong, being offered in evidence by the defendants to prove the custom now contended for. The adverse counsel relied on the authority of the court's decision between these parties in 1781, as conclusive. — But after full argument the deposition was ordered to be read in evidence. The chief justice then expressed himself thus:—"Cases in England are not strictly applicable to the modes of granting lands by the late proprietaries. Such titles are founded on usage; and usages, if reasonable and beneficial to the people, form a law. The law has great regard to the practice and

usage of the people, the law itself being nothing else but common usage, 2 Mod. 238. So, of the custom of a parish, that tenant for years to reap and carry away his way going crop, after the determination of his lease. Dougl. 191.

By the Court. The evidence appears to us to be admissible. The case of Turbett's lease v. Vance, in 1789, is expressly in point. Courts of justice are frequently governed in their determinations by the customs of the country; as in the case of administrators selling in early times, improved and even warranted and surveyed lands, as mere chattels, without any order of Orphan's Court. So, of the practice of the Land Office, under which a great part of the country has been settled, though not strictly regular in itself. Surveys under the usage, if established, cannot be considered as private acts. They are the proceedings of known proprietary officers, duly authorized by their principals, to receive money for them as their agents, and to make appropriations of land by surveys. The practice tended to unite the proprietary and individual interest, and contributed greatly to the ease of the people. The characteristics of a good usage, are, that it be generally used and approved; and according to the case cited by the chief justice, in Mod. 238, the law is but common usage, with which it complies, and alters with the exigency of affairs. The witness was accordingly received, and the usage fully proved by him. Verdict for plaintiff.

On motion for a new trial, in bank, it was refused; and this opinion was not questioned.

Note. The Land Office opened for the purchase of 1754, on the 1st. of Feb'y. 1755.

(To be continued.)

THE GENERAL ASSEMBLY,

Of the Presbyterian Church in the United States, met on the 15th instant, in the Seventh Presbyterian Church in Philadelphia, and was opened with a sermon by the Rev. Wm. A. McDowell, D. D. In the afternoon, the Rev. Philip Lindley, D. D., President of Nashville University, was, on motion of Dr. Ely, unanimously chosen Moderator, and the Rev. Jacob Green, of Bedford, N.Y. temporary Clerk. Dr. Ely is the Stated Clerk, and Dr. John McDowell, Permanent Clerk.—About two hundred members of the Assembly are in attendance.

Delegates from England.

In the General Assembly, yesterday afternoon, Rev. Andrew Reed of London, author of "No Fiction;" and the Rev. James Matheson, of Dunham, England, were introduced by the Stated Clerk, Dr. Ely, as Delegates from the Congregational Union of England and Wales.

On motion, they took their seats on the same terms as the most favoured Delegates from other corresponding bodies. It is a pleasant thing to see the Dissenters of England thus "shaking hands across the Atlantic," in Christian fellowship with the Presbyterians of the United States.—*U. S. Gaz., May 16th.*

THE WEATHER.—The weather for the last few days, has been truly melancholy. Wednesday and Thursday mornings of this week, the mercury sunk to the freezing point. Ice in exposed situations, was a quarter of an inch thick. The early fruit has turned black, and is dropping from the trees—the tender vegetables are nearly all destroyed. Whole fields of rye, (which is now in the milk,) will be materially injured; but wheat and barley are not so forward as to be essentially affected. The ice cars presented yesterday morning a singular appearance, by the glistening icicles, hanging to the carts an hour after sunrise.

Fahrenheit's Thermometer, May 13, Mercury	40
Do. do. do 14, do.	33
Do. do. do 15, do.	32

Ice a fourth of an inch thick.—*U. S. Gaz., May 16th.*

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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LAND TITLES.

(Continued from page 320.)

PART III.

Of the practice and customs of the Land Office, from the year 1765, until the Revolution.

The peace of 1762, brought a considerable degree of repose to the long harassed British colonies. In October, 1764, the turbulent and restless Kayashuta buried the hatchet on the plains of Muskingum; and the final humiliation of the Delawares and Shawanese enabled the husbandman to resume his labours, and to extend his cultivation and improvements. The prosperity of Pennsylvania increased rapidly. Those who were compelled, by Indian warfare, to abandon their settlements, eagerly returned to them. There exists in man, says lord Kaimes, a remarkable propensity for appropriation: "A man who has bestowed labour in preparing a field for the plough, and who has improved that field by artful culture, forms in his mind an intimate connection with it. He contracts by degrees a singular affection for a spot, which in a manner is the workmanship of his own hands. He is fond to live there, and there to deposit his bones. It is an object that fills his mind and never out of thought at home or abroad. After a summer's expedition, or perhaps years of a foreign war, he returns with avidity to his own house, and to his own field, there to pass his time in ease and plenty. If he happen to be dispossessed in his absence, the injustice is perceived and acknowledged."

The correctness of these sentiments of lord Kaimes, could not be more strikingly exemplified, than in the case of Elliott's lessee, v. Bonnet, before cited.

Thomas Croyle had an ancient settlement and improvement, made near the head of the Snake Spring, begun in 1754, and continued by him, and those who held under him, whenever the state of the country would admit of it, until December, 1788. Valuable improvements were made on the land, as well by buildings, as otherwise.

In June, 1762, he sent his son with money to the Secretary of the Land Office, with directions to procure a warrant for 300 acres of land, including his improvements. He made three applications to the office for that purpose, but met with refusals, and was permitted to take out a warrant for 100 acres only, dated 10th of June, 1762; adjoining lands surveyed to George Croghan, and including his improvement at the mouth of Snake Spring. On this warrant, a survey of 123 acres and 123 perches, was made so late as 4th of March, 1768, by George Woods, for Richard Tea, deputy surveyor of the district.

The survey for Croghan, in 1755, and the warrant of acceptance on the 26th of May, 1763, and the patent on the 30th of May, 1763, under which the defendant claimed, have been already mentioned. This survey called for Thomas Croyle on one of the lines, by which the previous settlement of Croyle was clearly recognized by John Armstrong, the deputy.

On the 3d of August, 1767, Thomas Croyle obtained an application for 200 acres, adjoining his warranted land in Croyle's valley, on the east side of the Ray's town branch of Juniata, on which there was surveyed 158 acres, by George Woods, on 12th of March, 1768.

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On the 14th of April, 1774, Croyle executed a deed to Robert Elliott, in consideration of £330 for three tracts of land; the first including the mouth of Snake Spring, in pursuance of his warrant for 100 acres; the second adjoining thereto, in pursuance of his application; and the third, held by improvement, including the fountain of Snake Spring; with a covenant therein, that he would prove his right of improvement to be antecedent to the right or claim of any other person. On the 30th of March, 1780, Robert Elliott conveyed the same lands to the lessor of the plaintiff, with covenant of general warranty as to the improvement right. In December, 1788, the tenant of the lessor of the plaintiff was dispossessed of the lands claimed by improvement, under a judgment, without a hearing of the merits.

After the case had been fully argued, Yeates, Judge, told the jury, that the case resolved itself into two questions, 1st, whether the settlement title being the earliest, was not preferable to the patent? 2d. Whether the improvement right had been abandoned?

If the witnesses were believed, they shewed an actual personal resident settlement by Croyle, at the head of the Spring, though he had a shed, and some cleared land at the mouth. He had cleared several acres towards the mountain and downwards towards the Juniata, and must, in the nature of things have intended to include the whole in his settlement right. His continuance on the land where there was not impending danger; his early returns after the dangers had ceased, evince his unequivocal intentions. The survey of 1755, calls for his lands as a boundary, and corroborates the testimony of the witnesses. He applied in 1762, with his money for a warrant for 300 acres, to include his improvement, according to the uniform usage of the office, but was refused, and could only obtain a warrant for 100 acres, to include his improvement, at the mouth of Snake Spring. He could do no more; and it would seem, that the patent, unless there has been an abandonment of the improvement right, must give way to it.

The abandonment must be judged of by the jury, as a matter of fact, under all the circumstances. When Croyle applied for his warrant for 300 acres by his son, he did not mean to abandon; he was dissatisfied with what his son had done, and said he would apply to Mr. Penn for justice. He clings to his improvements, and will not surrender the possession of them; and when he sells to Elliott, he pledges himself to prove his prior right. If the present defendant or any persons under whom he claims, had made valuable improvements since the former recovery by default, and before the present ejectment was commenced, it would avail him much, as proof of an abandonment, but no such evidence has been given.

The jury gave a verdict for the plaintiff for 176 acres and 37 perches, finding where the same should be surveyed; which, with the survey of 123 acres and 123 perches, already surveyed on his warrant, made up the exact quantity of 300 acres, without any surplus, upon an established principle which I hereafter consider.

This view of the doctrine of improvements is here given, for the purpose of introducing the application system of the year 1765. Whether improvements were at first only connived at; or whether they were expressly

encouraged, as seems to be the prevailing idea, (notwithstanding some public acts and proclamations, and the act of Assembly of February 14th, 1729—30, (chap. 312,) which declared, "That all and every person or persons, entering into, and taking possession of any lands within the province of Pennsylvania, not located or surveyed by some warrant or order from the proprietary or proprietaries, his or their agents or commissioners, to the person or persons possessing the said lands, or to some person or persons under whom they claim, and upon reasonable notice and request, refusing to remove, deliver up the possession, or to make satisfaction for such lands, shall and may be proceeded against, in such manner as is prescribed by the several statutes of that part of Great Britain, called England, made against forcible entries and detainers; and that no length of possession shall be a plea against such prosecution;" yet they had acquired at this period, an establishment not to be shaken; and had contributed, very greatly, to the prosperity of Pennsylvania. The mild laws of our country, the benevolent system of the venerable Penn, the forbearing spirit which cherished and protected the rights of conscience, which were trampled on, and almost extinguished, in the nations of Europe calling themselves enlightened; and with these, a land great in extent, happy in its climate, and exuberant in its soil, invited and encouraged emigration from every corner of the old world. Wealth flowed in upon us; but poverty also found its asylum. It was indulgence to the industrious poor that invigorated the country, and changed an uncultivated desert into fruitful fields; and the inhabitants were enabled to draw from the soil itself the means of acquiring the legal title to it, and laying the foundation of future independency. This easy mode of acquiring an exclusive property in land was a principal source of attachment to the country. "A person, says the late Judge Wilson, becomes very unwilling to relinquish those well known fields of his own which it has been the great object of his industry, and, perhaps, of his pride, to cultivate and adorn. This attachment to private landed property has, in some parts of the globe, covered barren heaths, and inhospitable mountains, with fair cities and populous villages; while, in other parts, the most inviting climates and soils remain destitute of inhabitants, because the rights of private property in land are not established or regarded."

This state of things with respect to settlements, unquestionably was one of the causes which gave rise to the application system; and we may trace the source in every public act and proceeding. Warrants, on which money had been usually paid, gave place to applications, on which no money was paid. The reason was, that whilst the proprietaries now professed to give a preference to settlements and improvements, they were justly attentive to their own interest, and required proof of the dates of settlements, either in the application itself, or on the return of the survey, that they might know how to charge the interest in arrear, before they were willing to confirm a title by warrant; and the accustomed warrant from henceforth, was called a warrant of acceptance. The accommodation of the poorer class of people, may have been another inducement to this system.

The land on the west side of Susquehanna to the blue mountain, or Kittatinny hill, was purchased in 1736, and from thence, by the purchase of 1754, limited by the surrender and confirmation of 1758, to the west line from Buffalo creek, including a very great part of the Juniata lands, and intersecting the Allegheny mountain as its extreme boundary, as has been already shewn. Warrants issued uninterruptedly for the lands in both these purchases, (in the latter from February, 1757,) until a stop was put to issuing warrants on the 17th of June, 1765, when the Land Office continued shut for one year, on the west side, excepting for improved lands. On the 5th of August, 1765, the office opened on the new plan, for the east side generally; and on the

west side for settled lands only. The plan was made known to the people by the following official advertisement.

Land Office, 17th June, 1765.

The honourable the proprietaries having been apprised, that many persons have been, and still continue in the practice of taking up large quantities of land within this province, only with a design to retail them out at advanced prices, by which means, persons really in want of lands, and willing to make immediate settlement, are often prevented from obtaining them on those moderate and easy original terms, proposed by the proprietaries for the encouragement of the inhabitants, the proprietaries, being desirous to put a stop to a practice so repugnant to the general good, and, as far as in their power, prevent the troublesome and expensive contentions and attendances in the Land office, and other proprietary offices, (owing to the long delay of the people in applying for a confirmation of their titles, which necessarily creates intricacies in their claims, frequent impositions on the offices, and applications for lands either granted before, or to which other persons have prior claims, with many other inconveniences difficult to be avoided on the present mode of granting lands) it is therefore proposed to make some alterations in that mode, and that, for the future, the following method shall be observed for granting lands within this province, viz.

First. That every person desirous to settle any vacant land purchased of the Indians, and not appropriated to the proprietaries' use, shall apply to the Secretary of the Land Office, who, in a book to be opened for that purpose, shall, instead of granting a warrant, regularly enter such person's name, with the date of his application, and the description, or location of the land.

Provided nevertheless, that no such application shall be received by the secretary, for more than 300 acres to any one person, without the special order of the proprietaries, or their commissioners of property; and that every evening, the secretary shall cause a true copy of all the applications of that day, regularly numbered in the order as applied for, to be sent to the Surveyor-General's office.

Second. That on receipt of the copies of such applications, the Surveyor-General shall, with all possible despatch, transmit transcripts of them to his deputy in each county, in whose respective districts they fall, with their dates of entry respectively, and an order for surveying the lands agreeably thereto.

Third. That the deputy surveyor shall, within six months after the date of the entry of each application respectively in the Secretary's office, finish, and make return into the Surveyor-General's office, of the survey of the land, specified in each application and order of survey, provided the copies of such applications be delivered to him in a reasonable time, and the persons for whom the surveys are to be made, or some other on their behalf, shall duly attend the deputy surveyor, to show him the land at the time he shall appoint, whereof the deputy shall give due and timely notice to the applicants. And for the more regular management of this, the Surveyor General shall frame and send to his deputies, proper instructions, and by all means in his power, take care that they do their duty. And if any deputy surveyor shall be found guilty of neglect, or breach of duty in the premises, he, upon complaint, and due proof, made to the commissioners of property, or Surveyor-General, shall be superseded from his office. But if through any neglect of such applicant to attend the deputy surveyor, to show the land at the time appointed, or for any other good cause, such deputy shall not have it in his power to make the return in the time limited, he shall, before the expiration of that time, certify such cause to the Surveyor-General.

Fourth. That as all possible care will thus be taken on the part of the officers to give despatch, it is ex-

pected and required, on the part of the people, that every applicant shall within six months after the date of the return of the survey into the Surveyor-General's office, (which day he shall carefully minute on the back of each return respectively,) be obliged to come and pay in full for the land, to the Receiver General, on the new terms of five pounds sterling per hundred acres, or value thereof, in current money of Pennsylvania, at the rate of exchange between the cities of London and Philadelphia, with interest from six months after the date of such application to the time of payment, and the quit rent to be one penny sterling per acre. And on producing to the secretary of the Land-Office, the Receiver-General's receipt in full for the land, a warrant shall issue to the Surveyor-General to accept and make return of the survey into the secretary's office, who shall on receipt thereof, make out the patent with all reasonable expedition, unless the commissioners of property, on account of some other person having a prior claim, or other just reason, shall, for preventing any of the mischiefs before specified, see good cause to refuse such applicant a patent. And every applicant for land is to take notice, that if he shall neglect to show the deputy surveyor the land at the time appointed, or shall not pay to the Receiver-General, the full purchase money within the said six months next after the return of the survey as aforesaid, that then, in such, or either of these cases, the proprietors, or their commissioners of property, shall be at full liberty to grant the land to any other person or persons.

Fifth, That all persons possessing or claiming lands, on account of any settlements or improvements, are required to enter their applications, in the Land Office, whether on the east or west side of Susquehanna, and to bring with them authentic certificates from some neighboring magistrate, of the nature of their improvements, and the time when their settlements first began, and in default or neglect of such applicant so to do within six months from the time of opening the said office, on the fifth of August next, the application of any other person or persons will be received for such lands.

Sixth, That as by the almost total stop put by the late Indian wars to surveying on the west side of Susquehanna, a great many warrants on that side of the said river, yet remain unexecuted, the proprietaries' commissioner of property and agents, judge it necessary to open the office first for the east side of that river, in order to give further time to the deputies to execute and return the former warrants for land on the west side. And therefore notice is hereby given, that on the fifth day of August next, the Land Office will be opened for receiving applications for lands on the east side of the river Susquehanna only, upon the plan and terms aforesaid; and will be opened also for receiving the like applications for land on the west side of Susquehanna, as soon as the said business yet remaining to be done there shall be completed, or in such forwardness as to admit of it, whereof due notice will be given.

And further, That as a considerable part of the proprietaries purchase money remains unpaid for many plantations which have been settled a great number of years, notwithstanding the owners thereof have been frequently called on, by public advertisements to pay for the same; all persons, who have not yet taken out their patents for any such lands, are required, between this and the first day of March next, to come and take out their patents for the said old surveyed lands, to prevent that trouble and inconvenience both to themselves, and to the office, which must necessarily ensue from their neglecting longer to complete their titles.

William Peters, Secretary.

Thursday, August 1st, 1765. The Land Office being to open for the east side of Susquehanna, on the new plan, next Monday, it is resolved, that the secretary give warrants to such persons as have built on, and resided on the land they apply for, and have a just claim to as an improvement, bringing a certificate from

a neighbouring magistrate, or other satisfactory proof of the nature of the improvement, and first settling thereof, when the interest and quit rent is to commence.

Improvements made before the land purchased of the Indians, not to be regarded, unless the applicant had secretary Richard Peters's promise of a warrant, as in case of the manor of Maske, &c.

In minute book 1, (cast side) there is this entry.

August 10th, 1765, agreed to, and ordered by the governor, respecting warrants and applications.

Where a piece of land applied for joins a settled plantation, the secretary to grant a warrant with interest and quit rent from time of settlement of the old plantation.

Where no certificate of a justice produced respecting an improvement, and warrant applied for; the secretary to grant it on certificate or proof of other respectable person, especially where at a great distance from a magistrate.

Where no such proof made, then secretary to enter it as an application, and order survey to be made, and the deputy to report, and then issue warrant (if) approved by the governor.

The first item of this minute of the 10th of August, particularly, and the whole minute, generally, seems to have been designed to detect and prevent that species of fraud, which has since been so successfully practised on the commonwealth. An improver, to avoid paying back interest as much as possible, would take an application or warrant for but the actual quantity covered by his buildings, and cleared fields, and would then enter an application for the adjacent woodland, as vacant and unimproved, although he originally claimed it, and intended to cover it, and hold it under his improvement right. So far as this rule applied to such adjoining quantity, as with the settled land made up no more than the usual plantation quantity of three hundred acres, allowed to improvers, it was correct and proper. But if such quantity had been fairly applied for, under the improvement, and interest charged on the whole from the date of the settlement; it would have been unjust to have extended it to a distinct and independent application for another vacant, and unimproved tract.

But frauds have been practised on the commonwealth to a very great extent. Old warrants have been abandoned, and new warrants have been taken out for the same lands, at reduced prices. Where surveys have been made on unpaid warrants, but the surveys not returned, those surveys have been abandoned, and new returns procured including but part of the lands; and new warrants taken for the residue, at reduced prices. The commonwealth has been aware of this; and a limited act has been passed to enable such persons to purge the fraud, by paying up the difference; but the act has not had much effect; and the people do not seem to be aware how much the neglect of this provision for their benefit, may, at some future day, affect their titles.

On the 2d of October 1765, (minute book 1. pa. 7.) the following additional instructions on this subject, were given by the Surveyor General to his deputies.

"I am particularly ordered by the governor, and proprietary agents, to enjoin you to be very careful in every survey you make, either in applications for land as unimproved, or on warrants for improvements since the opening the office for granting land on the new plan, the 5th of August last, that where you find any improvement on the land, you are fully to inform yourself, and report to the office, with your return of the survey, when such settlement, or improvement, was first began, and where the land has no improvement on it, but joins some other land of the applicants, which has been settled or improved, or has been granted to him by warrant, you are then to express in your draft, or return of survey, that it joins such other land of the applicants."

There are also two sets of general instructions, to deputy surveyors, as follows—

Thomas Penn and Richard Penn, esquires, true and absolute proprietors and governors in chief of the province of Pennsylvania and counties of Newcastle, Kent and Sussex, on Delaware, to A. B. send greeting. Whereas, &c. our Surveyor General, with our approbation, hath by a commission bearing even date herewith, deputed you the said A. B. to be surveyor of (naming the district and its bounds.)

Now know, that for your better guidance and direction in the execution of the said commission, we have thought fit to enjoin the following instructions for your observation:

1. You shall faithfully execute every such warrant as shall be directed to you, to the best of your skill, knowledge and understanding, according to the express words and order of such warrants, and no otherwise, without special leave first had from us for your so doing.

2. You shall not execute any warrant upon any surveyed lands, or manors, or reputed manor lands, or on any other land appropriated to our use, by any former survey, unless such lands be expressly mentioned in your warrant.

3. You shall lay out all lands as regular and nearly contiguous, as the places will bear, admit or allow of, unless directed by your warrant to the contrary.

4. You shall make returns of every warrant into the Surveyor General's office at Philadelphia, with a protracted figure of the land exactly performed, and the field works annexed, and that within six months after the receipt of such warrants or order of survey, but if any thing shall happen that the survey cannot possibly be performed within that time, you shall transmit an account in writing into the Surveyor General's office containing the reason of such delay.

5. You shall not deliver unto any person whatsoever, any draughts, plots or field works of his land before your return be made into the Surveyor General's office, and be there allowed of.

6. You shall not make use of any chain carriers, but such as are of known honesty, and of good repute amongst their neighbors, which chain carriers shall take a solemn attestation before some magistrate, justly and exactly to execute their trust without favour, partiality or affection.

7. You shall not make return of any surveys but what hath been actually made by you on the spot; and you shall take care that all outlines and bounds shall be fairly and visibly marked before you quit the field.

8. You shall keep fair and regular entries in order of time, of all surveys and re-surveys by you made from time to time, in pursuance of any warrant or order of survey, which you shall receive, with a draught or plot thereof, and field works annexed, in books to be by you kept for that purpose, and our Surveyor General shall, from time to time, have free access to the said books of entries and other papers relating to your office as deputy surveyor, when he shall think necessary, and the said book of entries and other papers relating to your said office shall be by you (or those into whose hands your papers might fall after your decease,) delivered up into the hands of our Surveyor General for the time being, or such other persons as we shall appoint, when you (or those into whose hands your papers may fall,) shall be by us thereunto required.

9. Out of all fees that you receive for surveying, or re-surveying of lands or lots during the force of your commission, you shall pay unto our Surveyor General, the full third part thereof. For the true performance of which instructions you shall give bond to us with security in the sum of £. and sign a counterpart of these presents by indenture.

To A. B. deputy surveyor.

In consequence of sundry letters received from the honorable the proprietaries, and the new regulations in the Land Office, you are to observe the following rules

and orders in surveying of all lands in this province, as part of your instructions.

1st. You shall survey for the use of the honourable the proprietaries, in regular figures generally one-tenth of all lands, or 500 acres out of every 5000 acres that you shall survey, and make return thereof for their use on a warrant dated the 13th of October 1760.

2dly. By their direction and order, you are not to survey on any one warrant more land than ten per cent. over and above the quantity mentioned in such warrant, with the usual allowance of six per cent. and this rule you are to observe with respect to all past warrants, not yet executed, as near as reasonably may be.

3dly. You are not to survey any of the proprietaries vacant or unappropriated land whatever, on any ticket or order from any person but the Surveyor General, nor unless you have a copy of a regular warrant or application numbered, and to you directed by the surveyor general himself, or his order.

4thly. You shall lay out all lands that adjoin rivers or large creeks, at least three times the length from the river or creek, as they are laid out in breadth on the said river or creek, so that each purchaser may have a proportionable front on the water, provided the ground will in any wise admit of it, and to lay out all lands contiguous, and as regular as possible, and you are to give at least ten days notice in each township in your district, by fixing up advertisement, or otherwise, in one or more of the public places therein, signifying at what time you will attend in that township to execute the new applications for all lands therein, requesting all persons concerned to attend, and provide to have their business completed.

5thly. You shall execute every application to you directed, and make return thereof into the Surveyor General's office, within six months after the date of such application, provided the persons who shall obtain the same, or some other person in their behalf, will attend and show the land to be surveyed, and pay for surveying the same as soon as completed, but in case the applicant, or some person for him or her, do not show the land, and also pay the fees for surveying as soon as the same is done, or any other reasonable cause shall oblige you to delay the execution thereof, you shall enter your reasons for not performing the same on the back of the copies of such applications, and transmit an account thereof to the Surveyor General, with all convenient speed; and you may observe by the regulations proposed in the Land Office, that much will depend on the care and despatch of the deputy surveyor, and I desire the people may not have any cause of complaint of your neglecting their business. (Signed by the surveyor general.)

On the 1st of August, 1766, the office was opened on the new plan for the west side of Susquehanna, on the same terms as on the east side.

It had been the practice to survey large tracts of land upon warrants calling for but a small number of acres; fifty acres warrants were usual, and several numbers had been returned on them; and warrants in general were permitted by this custom, to cover a large overplus. To restrain this practice the following orders were issued.

April 13th 1767. Upon its being represented that many surveys are made, and making, which contain more land than the warrant or application specifies, the governor orders, that no surveys be received consisting of more than ten acres per cent. above the quantity specified in the warrant or application. (Minute book I. pa. 69.)

May 1st 1767. Upon the representation of the Surveyor General, that great numbers of surveys had been returned, both on warrants and applications exceeding the quantities mentioned in the warrants or applications, and the ten per cent. allowed the surveyors to exceed; and at this time to cut off the excesses of those surveys, would, in a manner, put a stop to the business of the

whole province. And it appearing that the surveyors have certified, that in many cases these excesses of quantity are to the advantage and interest of the proprietors, as they include land which by itself would probably never be taken up from its barrenness. The Governor is pleased to order, that as to what is past, the Surveyor general receive the returns of the surveys, though they should exceed the quantities mentioned in the warrants or applications; and the ten per cent. But that for the future, he strictly charge his deputies, that they shall not, on any pretence, return more than the quantity, with the usual allowance for roads, and the ten per cent. upon pain of being obliged, at their own expense, to rectify any surveys they shall return with such excess of quantity. (Minute book I. p. 74.)

This later order appears to be explicit and peremptory; yet it does not appear to have been rigidly adhered to in the letter; and in some instances was certainly departed from. Some allowance would naturally be made for the difference of surveys, as in former times. On a re-survey it might turn out a little more or less. It was to be observed according to the latter instructions of the Surveyor General "as near as reasonably may be." The exact measure in every case might be impracticable in common experience. An acre, or a few acres more, or less, could not possibly be the object, or be considered as a violation of the spirit of the rule; and common understanding and experience would, in a moment, be able to decide what ought to be considered an accidental or intended departure from it. Should the mere circumstances, in running round a survey, of setting a course an half or a quarter of a degree too wide, and including an acre or more too much, be made use of to prevent the acceptance of a survey, the common feeling of the people would revolt at it; nor could the mere letter of any law justify the mischief, the inconvenience, and expense which would follow from the construction; and every law should be construed reasonably; as a good general rule, however, it has been adopted by the courts, which regard the customs of the Land Office. But even the ten per cent. must be relinquished, where the interest of other purchasers would be affected by it. If an adjoining warrantee would be diminished in quantity, the elder warrant must be restricted to its quantity without any surplus, which can be retained only where it does no injury to others; and the first applier has no right to complain, if he gets what he purchased. The whole law, therefore, as far as it has been considered by the courts will appear in the following cases.

The point was started in the case of the lessee of Merchant and Bright v. John Millison, before Yeates and Smith Justices, Westminsterland, November, 1800. MSS. Reports. But the case appears to have gone on other grounds, and will be stated here so far only as connected with this subject, and introductory to other cases.

The plaintiff claimed the land under a warrant for 255 acres, dated 10th February 1786, on which 268 acres, and 155 perches, were surveyed on the 12th of April following, and a patent thereon 27th of October, 1787.

Jacob Millison, the father of defendant, on the 4th of December 1784, obtained two warrants, for 300 acres—each, calling for an improvement. One in his own name, on which interest was to commence on the 1st of March, 1780—the other in the name of his son Philip, interest to commence on the 1st of March, 1782.

The assistant of the deputy surveyor made a large survey on these warrants, of 900 acres, on the 26th of April 1785, but afterwards returned above 300 acres on each warrant.

The plaintiffs survey included some of the improved, and some of the best land in the large survey, by a supposed line, which was not marked, about fifty perches from defendant's house, leaving to defendant, a quantity of poor, thin land, on the back part of the survey.

Immediately after the plaintiff's warrant was taken out Millison built a cabin on the lands in controversy, and retained possession of them. On the 23d of October, 1786, Jacob Millison, as administrator of his father, obtained a warrant for 200 acres, in trust for the heirs, and procured a survey of 220 3/4 acres, on the 12th of September, 1786, and a patent on the 12th of October, 1786—which included the lands in question.

Three surveyors were examined, who declared, that where there was no dispute, they found little or no difficulty, where they returned more than ten per cent. surplus, on surveys made by them since the Revolution. In some instances, 350 and 360 acres had been surveyed, and returned on warrants for 200 acres; and in some others, double the quantity of the lands mentioned in the warrants, and they had been all accepted.

Judge Smith, who, by reason of the indisposition of the presiding judge, delivered the charge, said "I, however, for my own part, do not go so far as the witnesses, with respect to surveying, and returning surplus lands. I rather think the deputy was not obliged to make a return of so large a survey as 900 acres, under warrants for 600 acres; and that the Land Office was not bound by their usage, to accept so large a return. The first instructions to the deputy surveyors, not to survey more than a surplus of ten per cent. on each hundred acres contained in a warrant, took place in 1767, and arose from a desire to accommodate the different appliers with lands, and the fees of the different officers were regulated thereby. But when it was discovered that the proprietary institution might be evaded by taking out warrants in the names of other persons, the rule of practice still continued, though the reason of it had long before ceased. However, before the Revolution whenever the deputy surveyor certified, that the surplus lands beyond the ten per cent. were only desirable for the lands in the warrant, there was little hesitation as to the accepting of the return of survey of such surplus. I know of no rule on the subject. If the present contest rested merely on the point, whether 450 acres should not be returned on each of Millison's warrants, as a matter of right, I should incline against the defendant; but I give no decided opinion thereon. The practice of surveyors, since the Revolution, would have great weight."

The main question, however, was, whether taking the new warrant for the 200 acres, was not an abandonment of the first survey, and an acquiescence in the two returns excluding the land; and whether the defendant knew and consented to it; and if he did, the plaintiff's warrant must be preferred. And it was said that the surveyor had no right to garble lands at his will and pleasure, and returns what parcel he thinks proper; and that in an instance like the present he should have stated the contents of the first survey to his employer, and taken his directions therein. And it resulted to this, whether the assistant surveyor had been guilty of a legal fraud, or not? and the jury, under the circumstances, found a verdict for the defendant, with the approbation of the court.

So, in *Kyle's lessee v. White*, decided in 1809, in the Supreme Court, the defendant held under two warrants, dated 3d February, 1755, for one hundred acres, each, on which a survey of 562 1/2 acres was made on the 28th of November, 1769, but not returned, from accidental circumstances, into the Surveyor General's office, until November, 1766.

Tilghman, C. J. In considering the objection as to the quantity of land, we must advert to the time when the survey was made. If made at this day, the objection would be decisive. But in the year 1760, when it was made, it was customary to include much larger quantities than the warrants called for. It was not until 1767, that this practice was altered by instructions of the governor to the surveyors. The plaintiff had notice of defendant's survey, before he took out his warrant. 1 Binney, 249.

And, in 1810, the case came before the Supreme Court, in the lessee of *Steinmetz v. Young*, under the following circumstances, on appeal from the circuit court, at York.

The plaintiff claimed under a warrant to William Grouce for 100 acres in the year 1751, founded upon an improvement. In October, 1761, Grouce conveyed to George Stevenson and George Ross, describing the property as "a plantation and tract of land, containing by estimation 300 acres more or less." A survey of 279 3-4 acres was made on the warrant by T. Armor, an assistant deputy surveyor, on the 26th of February, 1764, which was never returned, and it was clear from the Surveyor's field notes, that the survey was not correct, because 159 acres of it were included in another survey made three days before by Armor, for Ross & Co. who were still the owners of Grouce's warrant. On the 9th of November, 1788, a survey of 287 acres and 137 ps. was made for the lesser of the plaintiff, on Grouce's warrant which he then owned, including but a small part of the first survey; and this was returned and filed in the Surveyor General's Office, on the 16th of April, 1790.

The defendant, who claimed under a warrant for 60 acres, including an improvement, dated June 4th, 1802, interest to commence on the 4th March, 1790, which was offered in evidence, and overruled, but also waved, on plaintiff's consent to read it, contended that the survey of 1788, could not be maintained, in consequence of the orders of 1767; and because the act of assembly of the 8th of April, 1785, in effect imposed the same restriction, was in many respects a general law, extended to every part of the State, and was a direct obstacle to the acceptance of the plaintiff's survey, which no practice, or custom in the Land Office could obviate; and cited *Kyle v. White*, where it is said, that if the survey in that case had been made at the present day, the objection founded upon its excess, would have been decisive.

The point reserved at the trial was, whether on the warrant for 100 acres, a survey of 287 acres, in 1788, could be accepted, and it was fully argued on this appeal.

Tighman, C. J. delivered the judgment of the court as follows:

There is no doubt, but that prior to the year 1767, a survey of 300 acres might have been made on a warrant for 100; such was the practice of the Land Office. But in the year 1767, the Board of Property made an order, that no survey should be accepted, containing more than ten per cent. surplus, above the quantity called for by the warrant, with the usual allowance of six per cent. for roads, &c. An act of Assembly to the same effect was made in April, 1785; but as it has been expressly decided by this court, in the case of *M'Ginnis's lessee, v. Albright*, December, 1799, that this act does not extend to any part of the State, but that which lies within the last purchase of the Indians, it has no bearing on the present case.

Judge Smith, who had great experience in the business of the Land Office, and was himself a deputy surveyor before the Revolution, mentions, in his charge, that he had himself surveyed 400 acres, on a 300 acre warrant, after the year 1767, which had been accepted, the party paying for the surplus; and that he knew of no instance, where a survey, containing more than ten per cent. surplus, had been rejected by the Land Office, if it did not interfere with the rights acquired by others, before the return of the survey. It is certain that the proprietary officers were in the habit of sometimes dispensing with the general rules of office, where no injustice was done by it; and it is a striking feature in the present cause, that in the year 1761, Grouce considered himself as entitled to 300 acres on this warrant. At that time he might have had his 300 acres surveyed; and if it was understood in the neighborhood, that he meant to take 300 acres; or there were any lines, or

marks, by which notice was given of the extent of his claim. I think it highly probable, that the proprietary officers would have accepted a survey for 287 acres, after the year 1767, provided he had stated his case to the Board of Property, and make it appear, that no other person had acquired an interest in the surplus. The acceptance of such a survey was a matter between the warrantee and the proprietaries. No third person could be injured. Nor has the present defendant the least particle of equity in his case. What is it to him whether the plaintiff had more or less land included in his survey.

I have endeavored to ascertain the practice of our own Land Office, since the revolution: and it appears that many surveys have been accepted, made since the year 1767, on old warrants, containing more than ten per cent. surplus. Considering all the circumstances of this case then, without laying down any general rule, it is my opinion, that the return of the plaintiff's survey, which was filed in the Land Office, before any other person had acquired a right, and to which no objection was made by the Surveyor General, gave him sufficient title to recover in this ejectment. Judgment affirmed.

But all the cases recognized the principle, that if a third person should be injured, or there should be an intervening right before the survey made, though on a younger warrant, the first warrant will not be entitled even to the ten per cent. surplus, if it would thereby deprive the second warrant of any part of its quantity.

Thus, in *Elliott's lessee, v. Bonnet*, twice before cited, the judge concluded his charge to the jury, thus, "If the jury shall decide for the plaintiff, the only remaining thing to be considered, is, what ought he to recover? He has got under the warrant to Croyle, including his improvement, 123 acres, and 123 perches; and there being another legal right in the hands of the surveyor (though posterior to Croyle's application) before the survey was made, he is now entitled only to 176 acres, and 37 perches; the difference between what is already surveyed to him, and the strict quantity of 300 acres, under his improvement, and not to any surplus quantity of ten per cent. and that finding for the ten per cent. might possibly endanger their verdict.

And in the lessee of *Gripe v. Baird*, *Huntingdon, May 1805*, before Yeates and Smith, justices, MSS. Reports. The rule was thus recognized, "That under the order of May, 1767, the deputy surveyors were not to return more than ten per cent. beyond the usual allowance for roads, on the quantity of lands contained in the application or warrant; but this only held when there was no conflicting right when the survey was made; for in such case the deputy was not permitted to exceed the quantity called for with the allowance of six per cent. for roads. This was equal justice, and conformable to the settled practice of the Land Office. It has been pursued in the circuit court, at Bedford, in November, 1801, in *Elliott's lessee, v. Bonnet*, where the jury were strongly disposed to find the surplus of ten per cent for the plaintiff.

On the fourth item of the second set of instructions, to the deputies, before noted, the following case has occurred.

Lessee of Bear v. Russell, Northumberland, October, 1796, before Yeates and Smith, justices, MSS. Reports. An application was entered, on the 3d of April, 1769, No. 164, in the name of John M'Grath, for 300 acres of land, on the south side of the west branch of Susquehanna, about 25 miles from Fort Augusta, concluding a bottom called Oughcoughpockeny.

A survey was made thereon, by Charles Lukens, of 330 acres and allowance, on the 26th of June, 1769, which contained a front of 902 perches on the river.

Caveats were filed against the return of this survey; and on the 26th of March, 1770, the Board of Property, on the claims of John Stephens, John Montgomery, and John Morgan, against William Plunket, (who obtained a transfer of M'Grath's location on the 21st of

March, preceding,) decided, that the narrow bottom on the river should be divided by Charles Lukens and William Scull, into as many tracts as it would allow of, taking in as much of the back lands as were fit to be taken up, or as the parties should be willing to take into their surveys; and that it should stand over, until the matter should be decided between Stephens and Plunket, as to Plunket's location. A patent, however, issued to Plunket, on the 17th of August, 1774, and on the next day he mortgaged the lands to the trustees of the general Loan Office, to secure the payment of 200*l.* and interest, on the 22d of April, 1793, the lands were sold by Flavel Roan, sheriff, (the mortgage money being unpaid,) to the lessors of the plaintiff, for 811*l.*

The defendant held as tenant, under the heirs of John Montgomery, who entered an application on the third of April, 1799, No. 916, for 300 acres on the west branch of Susquehanna, upon the south side of the said branch, opposite the lower end of the proprietaries survey, upon a small run on the river, opposite to the upper end of Muncy hill.

It appeared in evidence, that the defendant's location described the lands in question, and that if Plunket's survey had been bounded by the run therein mentioned, it would have excluded the controverted grounds. There was a long narrow bottom of excellent land along the river: the grounds back were arable, and fit for cultivation, though being pine barrens, they were of much inferior quality to those in front of the river. Application was made in June, 1769, to Levy Stevens, who surveyed under Charles Lukens to make the survey for Montgomery. He promised to do it, and return the lands above the mouth of the run for him, and a large walnut tree there, was afterwards fixed as a corner of his survey; but the promise was not complied with.

Notice was given at the Sheriff's sale, of Montgomery's claim.

Yeates, J. being one of the executors of S. Chambers, who claimed part of the land, declined taking any part in the decision.

Smith, J. I feel no difficulty whatever, sitting alone in this cause. It is so plain that it cannot be perplexed. The instructions formerly given to deputy surveyors, and their usage, will readily determine the dispute between the parties.

He then mentioned the 4th item of the instructions, before given at large.

If there were no other warrants or applications than those they were executing, they assumed greater liberties; and if, in such instances, they gave a larger front on a river, or creek, than their instructions admitted, and their surveys were accepted, no injury was done, and no one could reasonably complain. The proprietaries might, in such a case, dispense with their usual rule, and grant their lands as they pleased. But where there were other rights, though subsequent in point of time, which also called for execution, the due proportion of front on the water, and extent back, ought in justice to be adhered to. To deviate from the established rule under those circumstances, would do manifest injustice to third persons. I will not say, that in practice, the surveyor is restricted to one, or even two perches beyond his directions; where the situation of the grounds calls for a latitude in judgment; but I will assert, that to go 903 perches, by the margin of a navigable river, and where the lands back are of a quality proper for cultivation, to fill up an order for 300 acres, is altogether unprecedented, and unwarranted by any law or usage, where it would operate against the rights of others. By such improper practices, in garbling the whole of the lands in the first quality, the settlement of the country is retarded, besides doing essential injustice to individuals.

There was accordingly a verdict for defendant. But on the erection of Lycoming county, in which the lands now lie, the controversy was renewed; but it has since been compromised.

(To be continued.)

CHESTER COUNTY CABINET.

Seventh Report of the Chester County Cabinet of Natural Science.

At the stated meeting of the Cabinet, on the 15th of March, 1834, CHEYNEY HANNUM, on behalf of the Curators, offered the following Report:—which was approved, and ordered to be published.

In presenting the Annual Report, comprising a brief outline of the present condition and an enumeration of the acquisitions and advancement of the Cabinet, during the past year, the Curators feel assured that there is abundant cause for congratulating their fellow members, on account of the increasing prosperity of the institution.

Our collections have been greatly augmented, during the space of time embraced by the present Report, and in some departments the additions exceed those of any preceding year. For this enlargement we are much indebted to the liberality of several valuable friends and correspondents, who, in conjunction with the active portion of our members, have contributed to effect that degree of success which we have now the pleasure to announce.

It might, perhaps, be considered within the province of our duties to notice the several valuable mineral localities of our county. But the necessity of this requisition will appear less urgent when we recollect that, in 1832, one of our members made a catalogue, which is filed among the Cabinet papers, of all the known Mineral localities of Chester county. Since that time we are not aware that any discoveries of importance have been made, except some strata of fine white marble in the Great Valley, about five miles north of West Chester. We might remark, however, that a mine of the black oxide of manganese has recently been opened on the farm of Mr. William Osborne, near the line between the townships of West Town and East Bradford; and we have been informed that it is in contemplation to open another mine, on an adjoining farm belonging to Mr. John Osborne, of West Town. Several of the oxides of manganese are found in that vicinity. The black oxide is of a superior quality and will command the highest price given for the article in the Philadelphia market. Several tons have been obtained by the persons engaged in the enterprise, but whether there is a bed sufficiently extensive to render the undertaking a profitable business, they are yet unable to determine.

In our mineralogical department we acknowledge the reception of several valuable donations:

From Dr. Joseph Cloud, 4 boxes of minerals, containing nearly 400 specimens. This splendid collection may be noted as one of the most estimable presents we have ever received; and in testimony of our respect to the donor, and for the purpose of showing that we are not insensible to such exemplary generosity, a case will be prepared for preserving them separate from our other minerals, where they will be distinguished by the appropriate title of the "*Cloud donation*."

From Mr. Jonathan Valentine, a beautiful specimen of *Zoisite*, from West Goshen township, near the N. E. angle of this borough. Also, from Mr. Samuel Tyson, 14 specimens of Chester county minerals. Dr. Carraway presented a valuable collection of minerals from Arkansas Territory, among which are several handsome specimens of Limpid, Milky, and Yellow Quartz. Mr. Carpenter Marshall presented several specimens of Feldspar and Carbonate of Lime, from the State of Delaware. From Mr. Joseph A. Davidson, 4 specimens of minerals from the vicinity of Pottsville. From L. W. Williams, 2 collections of minerals from various localities, principally within the state of New York. From Mr. Davis Brooke, several specimens of clay, mixed with the oxide of Iron, which have been placed in our Chester county case, for future inspection.

From Dr. Isaac Parrish, of Philadelphia, a box of casts of North American Trilobites, which, with those

forwarded during the preceding year, by the same gentleman, form an interesting collection, which may contribute to facilitate our progress in the investigation of these remarkable fossil remains.

From Mr. Wm. M. Meredith, of Philadelphia, 3 specimens of Stalactite from Antiparos, and a specimen of white marble from the quarry at Paros. These were accompanied by other donations, consisting of a fragment of Mosaic pavement; and an Earthen Lamp found in the Grecian Archipelago, supposed to be about 3000 years old.

From Philip P. Sharpless, some iron and lead balls, from the Brandywine battle ground; and also one musket ball from D. Carr, embedded in oak from the same locality.

The additions of the *Flora* of the county, have not been numerous. The following plants, however, have been detected within its limits, since last report, viz.—*Cenchrus echinatus*, *Lithospermum hirtum*, *Habenaria bracteata*, *Liparis Corcorana*, *Carex setacea*, *C. Torreyana*, and *Pinus inops*.

Our general *Herbarium* has been greatly augmented by the munificence of Professor Hooker, of Glasgow, in presenting us with 433 species of plants; of which upwards of 300 were new to our collection. A considerable number of these are from the Arctic regions of this continent. To that distinguished gentleman and profound botanist, we are under many obligations for frequent and liberal remittances of plants. Some valuable acquisitions have also been obtained from the Pine forests of New Jersey, which were visited, by two of our members, once a month during the last summer.

The cultivators of American Botany have recently been deprived of an eminent fellow labourer, in the late Rev. Lewis D. v. Schrevelin, of Bethlehem, Pa.; and this Cabinet, in particular, has to lament the loss of an early, constant, and generous benefactor. The recollection of his many virtues will be unceasingly cherished by every member who enjoyed the happiness of his personal acquaintance; whilst the volumes of our *Herbarium* will for ever bear testimony to the liberality and value of his contributions. So long as our Institution shall exist, we never can be unmindful of our obligations to our late amiable and estimable friend.

Considerable attention is devoted to Zoology by a portion of our members. Ornithology continues to be a favorite branch of science; and it is to this department that the most extensive, as well as the most interesting accessions have been made during the past year. Since the last report about 50 county specimens have been added to our former collection, prepared in a style of superior neatness by Mr. John K. Townsend, a young but talented ornithologist of Philadelphia.

The following Catalogue exhibits a list of the specimens just referred to:

- 1, Falco Sparverius, Fem. American Sparrow Hawk.
- 2, Falco Velox, Male. Slate coloured Hawk.
- 3, Coccyzus Erythrophthalmus, M. Black billed Cuckoo.
- 4, Picus Pubescens, F. Downy Woodpecker.
- 5, Hirundo Bicolor, M. White-bellied Swallow.
- 6, Muscicapa Fusca, M. Pewit Flycatcher.
- 7, M. Acadica, M. Small green-crested Flycatcher.
- 8, M. Ruticilla, M. American Redstart.
- 9, Vireo Noveboracensis, M. White-eyed Flycatcher.
- 10, V. Gilvus, M. Warbling Flycatcher.
- 11, V. Olivaceus, M. Red-eyed Flycatcher.
- 12, Sylvia Noveboracensis, M. Water Thrush.
- 13, S. Pardalina, M. & F. Canada Flycatcher.
- 14, S. Blackburni, M. Blackburnian Warbler.
- 15, S. Icterocephala, M. Chesnut-sided Warbler.
- 16, S. Striata, M. Black Poll Warbler.
- 17, S. Pinus, M. Pine creeping Warbler.

- 18, S. Americana,
- 19, S. Petecheia,
- 20, S. Canadensis,
- 21, S. Vermivora,
- 22, S. Trichas,
- 23, Regulus Cristatus,
- 24, Fringilla Cyanea,
- 25, F. Pennsylvania,
- 26, F. Savanna,
- 27, F. Passerina,
- 28, F. Pusilla,
- 29, F. Pinus,
- 30, F. Iliaca,
- 31, F. Ludoviciana,
- 32, F. Purpurea,
- 33, Loxia Curvirostra,
- 34, Columba Carolinensis,
- 35, Tringa Semipalmata,
- 36, Totanus Flavipes,
- 37, T. Bartramius,
- 38, T. Chloropygius,
- 39, Anas Sponsa,
- M. Blue yellow back Warbler.
- M. Yellow red poll Warbler.
- M. Black throated blue Warb.
- M. Worm-eating Warbler.
- F. Maryland yellow throat.
- M. Golden crested Wren.
- F. Indigo Bird.
- M. White-throated Sparrow.
- M. Savannah Finch.
- F. Yellow winged Sparrow.
- M. Field Sparrow.
- F. Pine Finch.
- M. Fox coloured Sparrow.
- M. Rose-breasted Grosbeak.
- M. Purple Finch.
- M. American Crossbill.
- M. Turtle Dove.
- M. Semipalmated Sandpiper.
- F. Yellow-shanks Snipe.
- M. Bartrams Sandpiper.
- M. Solitary Sandpiper.
- M. Summer Duck.

The last enumerated specimen was presented by Mr. George F. Kennedy. In addition to the above we take pleasure in announcing the following donation from Mr. John K. Townsend, comprising 15 species of birds, mostly rare:

- 1, Mergus Cuculatus,
- 2, Podiceps Carolinensis,
- 3, Fuligula Perspicillata,
- 4, Falco Columbarius,
- 5, Turdus Mustelinus,
- 6, T. Minor,
- 7, T. Wilsonii,
- 8, Ardea Candidissima,
- 9, A. Nycticorax,
- 10, A. Virescens,
- 11, Rallus Crepitans,
- 12, R. Virginianus,
- 13, Tringa Arenaria,
- 14, Charadrius Wilsonius,
- 15, Sylvia Vigorsii,
- M. Hooded Merganser.
- M. Dobbick.
- M. Surf Duck.
- F. Pidgeon Hawk.
- M. Wood Thrush.
- F. Hermit Thrush.
- M. Tawny Thrush.
- M. Snowy Heron.
- F. Night Heron.
- M. Green Heron.
- M. Clapper Rail.
- M. Virginia Rail.
- M. Ruddy Plover.
- Wilson's Plover.
- F. Vigors's Warbler.

Dr. E. Mitchener, of New Garden, presented a handsome specimen of the Falco Haliectus, (male) Fish Hawk, and one Sylvia Aumalis, (male) Autumnal Warbler.

From Mr. A. F. Darley, of Philadelphia, a specimen of Rallus Carolinus, (female) Rail or Saur.

From Mr. William Mills, a living specimen of Falco Leucocephalus (male) Bald Eagle, taken in West Caln township, Chester county.

From H. T. Jefferis, a specimen of Mergus Merganser, prepared by Mr. Philip Sharpless.

From J. L. Darlington, a specimen of Scalops Canadensis, prepared by himself; and two specimens of the same animal were presented by Mark Denny, Esq.

From Capt. Thomas Dixey we received a specimen of the head and bill of the Albatross, from the Cape of Good Hope. Also, from the same gentleman, the jaw-bone of a Shark—the jaw-bone of a Porpoise—2 specimens of Zoophytes—a specimen of Paradisea Apodea from Canton—an Indian feather dress from the N. W. coast of America—specimen of cloth manufactured by the natives of the Sandwich Islands, and several other interesting donations.

From Mr. Richard Thomas we received a copper calendar for the year 1773; and from Mr. E. T. Weaver a medal struck during the procession on the centennial anniversary of the birth of Washington, accompanied with a badge.

By the liberality of our President and Treasurer, Dr. William Darlington and D. Townsend, Esq. the value of our Library has been greatly enhanced. The following is a catalogue of their splendid donations:

Flora Londinensis, in four large folio volumes.
 Genera of American Plants, by Charles Plummer.
 Reliquiae Houstonianæ, or description of
 South American Plants, by Wm. Hous- } *Latin.*
 ton,
 Historia Fucorum, Generic and Specific. " "
 Flora Monspeliaca, by Anthony Gouan, " "
 Flora Cantabrigiensis, by Richard Relhan, " "
 Definitions of the Genera of Plants, by Chris-
 tian Gottlieb Ludwig, " "
 Hortus Regius Monspeliensis, by A. Gouan, " "
 Vaucher's Confervæ, *French.*
 Botanical Dictionary, by E. V. Ventenat, 4
 vols. " "
 Introduction to the Study of Botany, by J.
 C. Philibert, 3 vols. " "
 Vade Mecum of the Travelling Botanist of
 the environs of Paris, " "
 Elementary Theory of Botany, by De Can-
 dolle, " "
 New Elements of Botany and Vegetable
 Physiology, by Achille Richard, " "
 Elementary lessons on Botany, by J. C. Phil-
 ibert, " "
 Flora of the Environs of Paris, by J. L.
 Thailier, " "

Several valuable pamphlets and periodicals have also been received.

From Dr. C. W. Short, a copy of instructions for gathering and preserving plants; and a catalogue of Phænogamous plants and ferns, from the same gentleman.

The Advocate of Natural Science has been received from No. 1 to No. 46, presented by the editor, Mr. William P. Gibbons. This is a well conducted periodical—disseminates much useful knowledge, and is deserving a liberal patronage.

Some Pamphlets, received from P. A. Browne, Esq. Dr. Henry Gibbons, and others, have been placed in the Library.

The most remarkable Phenomenon that occurred within the past year was that of a copious "meteoric shower," as it has been termed, which was observed throughout the United States, on the night of November 12, 1833. In this vicinity it commenced about midnight, and continued until sunrise on the morning of the 13th. It would swell this report beyond its proper limits to notice the various descriptions given by different observers, and the respective theories upon which Meteoric Phenomena are explained. We must, therefore, direct the attention of such as are desirous of information upon this subject, to our best Literary periodicals subsequent to the above date, where, in connection with much valuable knowledge, they will find a detailed account of the unusual appearance to which we have just referred.

In concluding our report, we would remark, that the spirit of mental improvement is progressing through various portions of this Commonwealth. Within the year an attempt has been made to form a society in Delaware county, for the purpose of cultivating Natural Science, and another Cabinet has been established in this county, located in New Garden township, which bids fair to become a prosperous and interesting institution. We hope the day is not far distant, when, in every county of the state, there will be a sufficient number of talented and public spirited persons to form similar associations in the respective sections of country where they reside, whose co-operation will effect a discovery of all the localities of the various mineral and vegetable productions which may conduce to individual wealth, or advance the general prosperity of the community.

Officers for 1834.

President—Dr. William Darlington.
 Vice Presidents—Dr. W. Worthington,
 Dr. Isaac Thomas.
 Treasurer—David Townsend, Esq.
 Corresponding Sec'y—Dr. W. Worthington.
 Recording Sec'y—Washington Townsend.
 Curators—Cheyney Hannum,
 Philip P. Sharpless,
 J. L. Darlington.

AN ACT RESPECTING COPYRIGHTS.

AN Act to amend the several acts respecting copyrights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, any person or persons, being a citizen or citizens of the United States, or resident therein, who shall be the author or authors of any book or books, map, chart, or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, work, or cause to be engraved, etched, or worked, from his own design, any print or engraving, and the executors, administrators, or legal assigns of such person or persons, shall have the sole right and liberty of printing, re-printing, publishing, and vending such book or books, map, chart, musical composition, print, cut, or engraving, in whole, or in part, for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Sec. 2. *And be it further enacted,* That if, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, where the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the United States, or resident therein, or being dead, shall have left a widow, or child, or children, either or all then living, the same exclusive right shall be continued to such author, designer, or engraver, or if dead, then to such widow and child, or children, for the further term of fourteen years: *Provided,* That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copyrights, be complied with in respect to such renewed copyright, and that within six months before the expiration of the first time.

Sec. 3. *And be it further enacted,* That in all cases of renewal of copyright under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

Sec. 4. *And be it further enacted,* That no person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a printed copy of the title of such book or books, map, chart, musical composition, print, cut, or engraving, in the Clerk's office of the district court of the district wherein the author or proprietor shall reside, and the Clerk of such court is hereby directed and required to record the name thereof forthwith, in a book to be kept for that purpose, in the words following, (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever he shall require the same): "District of _____ to wit: Be it remembered, That, on the _____ day of _____ Anno Domini, _____ A. B. of the said district,

hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be,) the title of which is in the words following, to wit: (here insert the title;) the right whereof he claims as author (or proprietor, as the case may be:) in conformity with an act of Congress, entitled "An act to amend the several

acts respecting copyrights." C. D., Clerk of the District. For which record, the Clerk shall be entitled to receive, from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such persons or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut, or engraving, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver or cause to be delivered, a copy of the same to the Clerk of said district. And it shall be the duty of the Clerk of each district court, at least once in every year, to transmit a certified list of all such records of copyright, including the titles so recorded and the dates of record, and also the several copies of books or other works, deposited in this office according to this act, to the Secretary of State, to be preserved in his office.

Sec. 5. *And be it further enacted*, That no person shall be entitled to the benefit of this act, unless he shall give information of copyright being secured, by causing to be inserted, in the several copies of each and every edition published during the term secured on the title page, or the page immediately following, if it be a book, or, if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof, or, if a volume of maps, charts, music, or engravings, upon the title or frontispiece thereof, the following words, viz: "Entered according to the act of Congress, in the year _____ by A. B. in the Clerk's office of the district court of _____" (as the case may be.)

Sec. 6. *And be it further enacted*, That if any other persons, from and after the recording the title of any book or books, according to this act, shall, within the term or terms herein limited, print, publish, or import, or cause to be printed, published, or imported, any copy of such book or books, without the consent of the person legally entitled to the copyright thereof, first had and obtained in writing, signed in presence of two or more credible witnesses, or shall, knowing the same to be so printed or imported, publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such book without such consent in writing; then such offender shall forfeit every copy of such book to the person legally, at the time, entitled to the copyright thereof; and shall also forfeit and pay fifty cents for every such sheet which may be found in his possession, either printed, or printing, published, imported, or exposed to sale, contrary to the intent of this act, the one moiety thereof to such legal owner of the copyright, as aforesaid, and the other to the use of the United States, to be recovered by action of debt in any court having competent jurisdiction thereof.

Sec. 7. *And be it further enacted*. That if any person or persons, after the recording the title of any print, cut, or engraving, map, chart, or musical composition, according to the provisions of this act, shall, within the term or terms limited by this act, engrave, etch, or work, sell, or copy, or cause to be engraved, etched, worked, or sold, or copied, either on the whole, or by varying, adding to, or diminishing the main design, with intent to evade the law, or shall print, or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copyright thereof first obtained in writing, signed in the presence of two credible witnesses, or knowing the same to be so printed or imported without such consent, shall publish, sell, or expose to sale, or in any manner dispose of any such map, chart, musical composition, engraving, cut, or print, without such consent, as aforesaid; then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, or print, shall be copied, and also all and every sheet thereof so copied or printed, as aforesaid, to

the proprietor or proprietors of the copyright thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut, or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the United States, to be recovered in any court having competent jurisdiction thereof.

Sec. 8. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, printing, or publishing, of any map, chart, book, musical composition, print, or engraving, written, composed, or made, by any person not being a citizen of the United States, nor resident within the jurisdiction thereof.

Sec. 9. *And be it further enacted*, That any person or persons, who shall print or publish any manuscript whatever, without the consent of the author, or legal proprietor first obtained as aforesaid, if such author or proprietor be a citizen of the United States, or resident therein, shall be liable to suffer and pay, to the author or proprietor, all damages occasioned by such injury, to be recovered by a special action on the case, founded upon this act, in any court having cognizance thereof; and the several courts of the United States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions, in like manner according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

Sec. 10. *And be it further enacted*, That if any person or persons shall be sued or prosecuted, for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

Sec. 11. *And be it further enacted*, That, if any person or persons, from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut, or engraving, not having legally acquired the copyright thereof, and shall insert, or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the United States, to be recovered by action of debt, in any court of record having cognizance thereof.

Sec. 12. *And be it further enacted*, That, in all recoveries under this act, either for damages, forfeitures, or penalties, full costs shall be allowed thereon, any thing in any former act to the contrary notwithstanding.

Sec. 13. *And be it further enacted*, That no action or prosecution shall be maintained, in any case of forfeiture or penalty, under this act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

Sec. 14. *And be it further enacted*, That the "Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the term therein mentioned," passed May 31st one thousand seven hundred and ninety, and the act supplementary thereto, passed April 29th one thousand eight hundred and two, shall be, and the same are hereby, repealed; saving, always, such rights as may have been obtained in conformity to their provisions.

Sec. 15. *And be it further enacted*, That all and several the provisions of this act, intended for the protection and security of copyrights, and providing remedies, penalties, and forfeitures, in case of violation thereof, shall be held and construed to extend to the benefit of the legal proprietor or proprietors of each and every copyright heretofore obtained, according to law, during the term thereof, in the same manner as if such copyright had been entered and secured according to the directions of this act.

Sec. 16. *And be it further enacted,* That whenever a copyright has been heretofore obtained by an author or authors, inventor, designer, or engraver, of any book, map, chart, print, cut or engraving, or by a proprietor of the same; if such author or authors; or either of them, such inventor, designer, or engraver, be living at the passage of this act, then such author or authors, or the survivor of them, such inventor, engraver, or designer, shall continue to have the same exclusive right to his book, chart, map, print, cut or engraving, with the benefit of each and all the provisions of this act for the security thereof, for such additional period of time, as will, together with the time which shall have elapsed from the first entry of such copyright, make up the term of twenty-eight years, with the same right to his widow, child, or children, to renew the copyright at the expiration thereof, as is above provided in relation to copyrights originally secured under this act. And if such author or authors, inventor, designer, or engraver, shall not be living at the passage of this act, then, his or their heirs, executors and administrators, shall be entitled to the like exclusive enjoyment of said copyright, with the benefit of each and all the provisions of this act for the security thereof, for the period of twenty eight years from the first entry of said copyright, with the like privilege of renewal to the widow, child, or children, of author or authors, designer, inventor, or engraver, as is provided in relation to copyrights originally secured under this act: *Provided,* That this act shall not extend to any copyright heretofore secured, the term of which has already expired.

Approved, 3d February, 1831.

SYSTEM OF GENERAL EDUCATION.

(Appendix, continued from page 189.)

Letter from John A. Dix, Esq. Superintendent of Common Schools, in the State of New York.

STATE OF NEW YORK, }

Secretary's Office, Albany, 14th Jan. 1834.

Sir—In a memorandum which I gave to Governor Marcy some weeks ago, containing answers to some inquiries addressed to him by a committee of which you are chairman, I promised to send a copy of my annual report to you as soon as it should be printed. It is now in the hands of the printer, but as there are annexed to it voluminous documents, which will delay its publication at least ten days, I have thought best to forward by this day's mail, a copy of so much as is printed. I will, as soon as it is completed, forward another.

I would take the liberty of remarking that a new system is best put into operation, when much depends on the exertions of individuals, by persuasion rather than positive regulation. The system of common school instruction in this State, has been organized and brought to its present perfection by the stimulus of a very small pecuniary interest. If a sum of money should be annually distributed among the towns in your State, and if it were left to them to decide whether they would participate in the distribution, considerations of interest would soon determine them in favour of such a course. No town would be likely to resist such considerations, while adjacent towns were availing themselves of the public bounty.

I am, sir, very respectfully,

Your ob't serv't,

JOHN A. DIX.

Hon. SAMUEL BRECK.

Letter from W. H. Kirby, Esquire, Secretary of State of Ohio.

COLUMBUS, O. }

Dec. 20th, 1833. }

Dear Sir—Your communication of the 13th instant, to the Governor of Ohio, has been received, and owing

to official duties requiring his immediate attention, he has handed me the communication, with a request that I would afford you the desired information.

To put you in full possession of all the provisions of our school system, I forward you copies of all our school laws.

The following brief answers may be given to your several questions. Excuse me for not enlarging, as you will find, from an examination of the laws, most of the information asked for.

1. Our school fund is not sufficiently large to meet the expenses of the system, without resorting to taxation.

2. Our school fund amounts to about \$550,000.

3. There is levied three-fourths of a mill on the dollar, ad valorem, and collected in the same manner and at the same time that the general revenue is collected.

4. We have no means of ascertaining the number of scholars.

5. The system is universal, but the rich and poor enjoy equal privileges.

6. We have no system for the preparation of teachers; but before they are permitted to teach a district or public school, they must undergo an examination, which is conducted by persons appointed for that purpose, by the courts of Common Pleas of the several counties.

7. The teachers are usually employed by the month or quarter, at the rate of from 12 to 20 dollars per month: the cost per head for each scholar, depends upon the number of scholars, which varies from twenty-five to sixty.

8. The mode of instruction is that of the ordinary kind.

9. No higher branches of education are required by law to be taught, than reading, writing, and arithmetic.

10. Our plan, thus far, has progressed equal to the sanguine expectation of its friends: there is but little doubt, however, that it is yet defective in many points, and highly susceptible of improvement.

11. The number of scholars in a school, is indefinite.

12. No distinction is made between the sexes, both being taught in the same school, and by teachers of either sex, according to the convenience of the employers.

13. The districts are not compelled by law, to furnish funds equal to those furnished by the Legislature.

14. Manual labour is not, as yet, in any way connected with the system.

15. The continuance of the district schools, depends entirely upon the amount of school fund, and the discretion and ability of the inhabitants of districts.

Respectfully, your obedient servant,

W. H. KIRBY,
Secretary of State.

SAMUEL BRECK, Esq.

Chairman of Joint Committee, &c.

Letter from Ralph Metcalf, Esq. Secretary of State of New Hampshire.

SECRETARY OF STATE'S OFFICE, }

Concord, Jan. 10, 1834. }

Hon Samuel Breck,

Dear Sir: I am requested by His Excellency Governor Dinsmoor, to answer the several questions addressed to him in your communication of the 13th ult.

I should have attended to it sooner, had I not been necessarily absent from the capital, for a few weeks past, nor shall I now be able to offer any suggestions of my own, but must confine myself in my answers to mere matter of fact, and will therefore say to your enquiries,

1st, 2d, and 3d. We have no school fund in this State, except what is derived from an annual tax on the banks, which amounts to about \$11,000 per annum. The residue of the sum expended in support of

our common schools, is derived from a tax on the polls and rateable estate of the inhabitants. This tax must amount to \$90,000 throughout the State, and as much more as the town may see fit to levy.

4th. The law not requiring the returns of the number of scholars in the several towns to be returned to this office, I have not the means of knowing the number in the State. All persons between the ages of four and twenty-one years, have a right to attend our common schools.

5th. Is answered by the above, as to its universality. The wealthy sometimes prefer private instructors.

6th. Our teachers are educated and prepared in our common colleges, academies and schools.

7th and 15th. Our schools are generally kept three or four months in the winter, and four or five in summer, though in some districts they are kept the year round. The winter schools are taught by males, whose compensation varies from twelve to twenty-five dollars per month, according to the number of scholars in the school, and the experience of the teacher. The compensation to females is generally from one to two dollars per week. The female schools are mostly made up of small scholars, and the low price paid, often enables the districts to continue the school several months.

8th. Our system of instruction is the common method. The Lancasterian plan has never been adopted in our common schools.

9th. The law requires instructors to be qualified to teach reading, writing, English grammar, arithmetic and geography; but the higher branches of our English Education are often taught.

10th. Our common school system answers our expectations, but is doubtless susceptible of improvement.

11th. Each town is divided into as many school districts as the convenience of the inhabitants requires, and these districts are *quasi* corporations. They vary in extent of territory and population, according to circumstances, and consequently the number of scholars in each district varies. A school is kept in each district. In large villages, the number of scholars in a school often exceeds one hundred; but so large a number cannot be taught to advantage. About forty or fifty may be considered as the average number in a school.

12th. The two sexes are generally taught together. In some large villages, however, there are exceptions among the small children. When thus separated, the girls and often the boys are taught by females. This separation is not very extensive. The division is often made by age.

13th. The sum raised by taxes for the support of schools, is raised and expended in the several towns, according to their proportion of the public taxes; but as I observed before, each town may raise as much more than their proportion as it pleases, though it cannot raise a less sum. The literary fund is distributed to the towns in the same proportion. These sums are divided among the several districts, generally according to the number of scholars; though sometimes according to the amount of taxes in the districts. From this sum the board of the instructor and fuel may be taken, though this is not always done, the inhabitants often contributing these two articles, thereby lengthening the term of the school.

14th. We have no manual labor school in this State.

For an abstract of our common school laws, I must refer you to the revised laws of this State, edition 1830, which have been forwarded for the use of your State, and may be found, I presume, in your State library, where you will find all our laws on this subject in full.

With great respect, sir, I have the honor to be

Your most ob't serv't,

RALPH METCALF,
Secretary of State.

Letter from the Governor of Connecticut, accompanied by reports to him.

Mr. Samuel Breck:

Sir—Yours of the 13th of December, was duly received, and immediately referred to the commissioner of the school fund.—His answer is just received, and is enclosed, together with a copy of a report of the Comptroller of our State, to the Legislature. These, it is presumed, will afford you all the information desired.

The subject is one of extreme interest, and well worthy the constant and earnest attention of the guardians of the public interest. In our State, I believe, great improvements remain to be made. Our greatest deficiency is, incompetent teachers. We do not consider our work on this subject as done, by any means. Improvements in education, as well as every thing else, are constantly taking place; but much yet remains to be done.

I have the honour to be, very respectfully, yours,

HENRY W. EDWARDS.

Jan. 20, 1834.

LITCHFIELD, Jan. 9, 1834.

To His Excellency, Gov. Edwards:

Sir—The following interrogatories, proposed by the joint committee of the Legislature of Pennsylvania, having been referred by your Excellency to me, the following answers are respectfully submitted:

Question 1. "Have you a school fund sufficiently large to meet the expenses of your system, without resorting to taxes?"

Answer.—The income from the school fund of Connecticut, is not of itself sufficient to furnish the common schools with teachers; although the whole of it is appropriated exclusively to the payment of their wages and board.

2. "How large is the school fund?"

Answer.—On the 1st of April, 1833, the nominal capital was reported to amount to \$1,929,738 50, and invested as follows, viz:

I. In bonds secured by mortgage, on annual interest,	\$1,432,620 01
II. Stock in the banks of this State,	147,450 00
III. Cultivated lands and buildings in N. York, Massachusetts, and Connecticut,	197,018 14
IV. Wild lands in New York, Vermont and Ohio,	134,202 06
V. Personal estate, consisting of stock on farms, &c.	1,810 00
VI. Cash in the treasury, to be invested,	16,638 29
Total,	\$1,929,738 50

3. "If you tax, how is the tax laid?"

Answer.—The territory of the State is divided into 209 school societies: Each society is sub-divided into school districts, by the inhabitants, in a legal society meeting. The whole number of school districts is 1619. The inhabitants of each district are a community authorized by law, in their legal meetings, to appoint a clerk to keep their records—a treasurer to receive their moneys—to enact rules relative to their school house and fuel—to lay a *tax* for the purpose of building, purchasing or repairing the *school house*, lot and appendages, and to purchase *fuel*; but for no other purpose.

After the moneys received from the school fund are expended towards paying the teacher, (and it can be used for no other purpose,) the balance due to the teacher, (if any,) is apportioned among the parents or guardians of the scholars, according to the time each has attended school, and is generally paid with great promptness. In a few districts, their dividends from the school funds support their schools; but in a large

majority of the districts; they contribute from their own funds, as above stated.

4. "What number of scholars of both sexes?"

Answer.—As the districts are not required to make any returns of the number of scholars taught or attending the school, and as no returns have ever in fact been made, I have no means of ascertaining. The number of children between 4 and 16 years of age, in the State, is 85,172 according to the annual enumeration. This enumeration is taken by officers, under oath, and is made with great accuracy, and furnishes the rule by which the school moneys are annually apportioned to the several districts.

5. "Is the system universal; and if so, do the rich avail themselves of it?"

Answer.—It is universal, and the rich, as well as the poor, avail themselves of it, except in the cities and large villages, where the schools are so crowded, that those who are able, have, at their own expense, established select schools, and left the whole benefit of the school fund to be enjoyed by the poorer class.

6. "Are your teachers formed or prepared in the common schools, or have you model schools for them?"

Answer.—There are no model schools. The teachers are generally prepared in the common schools; though some have received an education at our academies and colleges. The project of a seminary for the training of teachers, has been a favorite measure with many gentlemen in New England, and however much it may promise, has hitherto been deemed impracticable.

7. "What is the average annual salary of those teachers, and what the cost per head of the scholars?"

Answer.—I am unable to answer either branch of this question. The monthly compensation to a male teacher varies from \$12 to \$25. Females are employed at about one-third the compensation paid to males.

8. "What is the mode of instruction; whether by the system of Lancaster, or in the usual way?"

Answer.—The latter, almost universally. There is one school only, in Connecticut, within my knowledge, according to the system of Lancaster.

9. "What branches, if any, do your laws direct to be taught, beyond reading, writing, and arithmetic; and at what age are children admitted and dismissed?"

Answer.—By statute, parents, and those having the care of children, are required to "teach and instruct them, or cause them to be instructed to read, write, and cypher, as far as the first four rules of arithmetic;" and if they neglect it, the select men of the town may bind them out to some proper person. See revised statutes of 1821, page 107. There is no child of any age refused admittance, nor those of any age dismissed, on the ground of age, till they choose to leave the school.

10. "How does your plan work? Is it susceptible of improvement? If so, in what way?"

Answer.—I think our plan is a good one. The great difficulty is a laxity in the execution of the law, particularly an inattention to the examination of teachers prior to the commencing of a school, and a neglect, afterwards, to visit the school while it is in operation. This is principally owing, I presume, to the fact, that the services of this officer are not compensated, and might be remedied by providing a moderate compensation.

11. "How many scholars compose a school?"

Answer.—There is no limitation. All within the territorial limits of the district may attend—and vary from fifteen to eighty in number.

12. "Are the two sexes taught together; and if not, are male or female teachers employed for the instruction of the girls?"

Answer.—The two sexes are generally taught together, usually by a male teacher in the winter, and a female in the summer. The proportion of females in the

summer is much the greatest. The males attending the summer school are usually very young.

13. "Does your plan oblige each township or school district to furnish funds of equal amount to those furnished by the Legislature, or arising from the school fund?"

Answer.—It does not.

14. "Is manual labour in any way connected with your system of instruction?"

Answer.—In no instance, to my knowledge.

15. "Are your schools kept open all the year; if not, how many months?"

Answer.—I am of opinion, (though I have no means of ascertaining with any accuracy,) that more than three-fourths of them are kept open through the year, and the remainder probably through the months of December, January, February, and March.

A copy of our school laws, will be found in the revised code of 1821, page 396, &c. which was transmitted to the Executive of Pennsylvania some time in the year 1822.

The amount paid from the school fund to the schools, was,

In the year ending the 1st of May, 1826,	\$72,123 35
1827,	72,144 60
1828,	72,374 95
1829,	72,164 15
1830,	76,505 40
1831,	76,581 00
1832,	76,585 50
1833,	80,913 40
Probably will be, in 1834,	85,000 00

By the stipulation in the bonds of the debtors to the school fund, the interest is annually payable on the 2d day of September. But as two dividends are made in the year, viz. the 1st of October and the 1st of March, the debtor has his election to pay *all* his interest in September, or one *half* of it at that time, and the other half by the 1st of February following, without any charge of interest thereon. They generally avail themselves of this privilege, as the produce of farms is not usually converted into cash until about February.

In 1831, an attempt was made by the Legislature of this state, to obtain from the school districts reports of the condition of the common schools; the result of which is contained in the accompanying copy of a report made by the comptroller to the Legislature at May session, 1832.

I am, with great respect,

Your Excellency's most obedient servant,

SETH P. BEERS,

Commissioner of the School Fund.

(To be continued.)

AGRICULTURAL SOCIETY.

In pursuance of notice in the Erie papers, a respectable number of citizens in the south part of the county assembled at the house of Col. P. E. Judson, in the borough of Waterford on the 15th of February, 1834, for the purpose of forming an agricultural society. The object of the meeting having been stated from the chair the committees appointed for that purpose at a previous meeting, reported an address to the people of the county on the importance of agriculture, and the advantages to be derived from the formation of societies for mutual improvement in agricultural and mechanical sciences; also a constitution for a society.

After the reports of the committee had been read, it was, on motion,

Resolved, That the committees have our thanks for their diligence and assiduity.

Resolved, That we approve of the address, and that it be published as a part of these proceedings; as follows:

ADDRESS.

Fellow Citizens:—The prosperity of the states and the welfare and happiness of mankind, depend more perhaps on the successful prosecution of agriculture, than any other art; for on the produce of the ground must man ultimately depend for his subsistence, yet no science has been slower in its progress towards perfection.

Hitherto, one great cause of the slow progress of this art, has been, whilst its theory has been the subject of the ingenious speculations of closet philosophers, its practice has been generally confined to the unlettered peasant. But we now hope that from the great increase of the capital employed in agricultural pursuits, and from its having become a fashionable study, many farmers are capable of joining theory with practice, and of investigating the philosophical principles on which the successful prosecution of it must depend. By a numerous train of facts and experiments, the general laws of the different branches of natural philosophy have been traced out and explained, and afterwards applied to illustrate the relations betwixt the different phenomena.

Your committee are of opinion, that one reason for the very slow progress in agricultural improvements is, the difficulty of making experiments with the necessary precision, and distinguishing the various causes and circumstances which influence their success or failure, as we cannot subject the hidden process of vegetation to such minute inspection, as many of the other phenomena of nature.

Experiments, which require for their completion a few hours, or at most a few days, may be conducted with more accuracy, and the action of different substances on each other more distinctly traced, than where they require months, and seasons, and even several years, to complete them, subjected to the endless variety of climate, exposure, state of the weather, and various extraneous circumstances. Here we are in danger of applying, to one cause, effects which may be produced by very different ones. Experiment may succeed in one variety of soil, in one situation, and in one season; while a change in any of these, may, on a second trial, occasion their total failure.

Your committee are of opinion that from the vague manner in which soils are often described, and the different acceptations of the same terms in different counties, it is difficult for a farmer, when he reads an account of the agriculture in a different county and soil, to judge what relation such a soil bears with his own; for what would be accounted loam there he might call clay, and what they might call free, he might call stiff. Hence the utility of forming an Agricultural Society in this country; as nothing conduces more to the advancement of any science than accurate definitions and explanations of the terms employed; and perhaps, in no science is the want of such definitions more felt than in agriculture. Your committee would recommend you as a society, to give it your early attention.

Again your committee have thought, that it would tend much to promote the most important interests of this county, if persons of the society were appointed annually, to draw up statistical reports of the improvements, either actually carrying on, or likely to be executed in the county, and have these reports printed in the newspapers of the county, as it is necessary that our legislature should know what improvements are going on, and what public encouragements are necessary to promote them; and there is no way in which a legislature can spend its time, or expend a portion of the public money, with more satisfaction, or to more advantage, than by encouraging such a spirit. Without dwelling on these points further at present, your committee would say, that whatever difficulties the society may have to encounter in bringing their measures into effect from prejudices and confirmed habits, yet being, on the most mature consideration, fully con-

vinced of the general expediency of the plan, and of the great advantages which will be derived from a firm and steady perseverance, sign the constitution and exhort you all to do the same. Because agriculture considered as a science, explains the means of making the earth produce, in plenty and perfection, those vegetables, which are necessary to the subsistence, or convenience of man, and of the animals reared by him for food, or labour; and if you consider it as an art, every human being has an interest in it, since it is the foundation of all other arts. Besides the healthfulness of the pursuit, agriculture is intimately connected with our national character, because it powerfully acts upon the morals and constitution of our citizens. Gentlemen, there is in that primitive and honourable occupation, the culture of the earth, something which, while it pours into the lap of the State an increase beyond every other employment, gives more than the fabled stone; not only a subsistence but a feeling of contentment; not only creates appetite, but guarantees its continuance, by a robust constitution. To this we will add another remark, the capital employed in agriculture not only puts in motion a greater quantity of productive labour which it employs, but it adds a much greater value to the annual produce of the land and labour of the country, while at the same time it increases the real wealth and revenue of the inhabitants. Notwithstanding all these reasons which we have mentioned, we might adduce an hundred more equally weighty.

We call your attention, gentlemen, to the profession of agriculture, a degraded and unpopular pursuit among us. Why is it so?—Because, American merchants have, in the lapse of a few years, had opportunities for commercial enterprise too tempting to be resisted,—the result a most astonishing accession to wealth with unparalleled rapidity. Our domestic prosperity more than equalled the extension of our trade. The counting-houses of our merchants were filled with youth from the country, who forsook the slower but surer emoluments of agriculture, for the unsubstantial fortunes of commerce: nay, many of them preferred the meanest drudgery behind the counter of a retailer, to the more manly and invigorating toil of the cultivation of their paternal acres; consequently, feelings of vulgar pride contracted in town, caused the manual labour of the farmer to be regarded as degrading. This unworthy sentiment spread its baleful influence; and when the counting-houses became overstocked and afforded no longer a resource, it was no uncommon thing to see young men, with no qualification but a little bad Latin, picked up at a country school, forsake large and comfortable farms, and apprentice themselves to quack doctors or pettifogers.

Again, the late depressed state of agriculture, especially in the eastern States, has been owing to the constant emigration to the west. For no sooner had the farmer reduced his land by successive crops, than he removed to a country which offered him an untouched surface, needing for some years no aid of composts and manures.

Gentlemen, your committee beg leave to inform you, that at length, the importance of a regular and more energetic system of farming is beginning to be felt in our country. Men of talents, wealth, and distinction, no longer think it beneath them to enrol their names on the list of practical farmers.

By means of agricultural societies liberally patronized, and ably conducted papers, information on the subject considered both as an art, and a science, is rapidly spreading abroad; a taste for farming is diffusing itself, and ere long it is believed, that this species of employment will be as much prized and coveted, as once it was considered low and despicable.

Capt. REUBEN SHARPE, President.
ZOPHER DAVIS, Vice President.
W. T. MACKY, Esq. Secretary.
ISRAEL MILLER, Treasurer.

Walter Palmer, John Clarke, Andrew C. Leech, Asa White, jr. Charles S. Biggers, William Stanciliff, Daniel Davis, Christian Lyman, John C. McLlland, Shubael Matteson, Michael Remington and John A. Dickey, officers of the board.

WALTER PALMER, Chairman.

W. T. MACKY, Secretary.

From the Bucks County Intelligencer

LAW CASE.

The following report of a trial at the last Court has been furnished us at our particular request, believing, as we do, that the point decided, would be interesting and useful to the community.

CHARLES ELY,

vs.

DR. RICHARD CORSON.

Action on the Case to
September Term, 1832.

Plaintiff and defendant both reside in the village of Newhope, and are owners and occupiers of adjoining real estate. Five or six years ago, Defendant crected a barn and shed, which together were about sixty feet in length, precisely on the line between him and Plaintiff. The foundation and weather boarding jutted up full to and upon the line, the eaves of the roof, which were about eleven inches beyond the weather boarding, and consequently entirely upon the plaintiff—threw all the water of said roof upon plaintiff's land. Upon the trial the Plaintiff complained that he owned and occupied one fifth part of an acre of land, &c.—which by cultivation and industry he had got into good condition and great profit; and that the Defendant well knowing the premises, &c., upon a certain day and year did erect, construct and build a barn and shed so near the line and land of the said Plaintiff, that the water of the roof and eaves of the said building by reason of such erection, construction and building, aforesaid, runs over on to the said lot and garden of said plaintiff, and the same lot, garden and premises at the time of rains did and continually does overflow and drown—whereby the said plaintiff the whole benefit and profit of the said lot, garden, &c., hath lost. The Plaintiff proved the case in substance as stated, and that he had spoken to a respectable third person in the neighborhood to intercede to get the Doctor to spout his roof or in some other way to abate the nuisance—he also proved that he had brought a suit before a Justice of the Peace for the same cause of action and that the defendant made oath that the title to real estate came in question, which stopt further proceedings before the Justice, and drove plaintiff to his action in Court. The Defendant examined one or two witnesses with a view to show that the buildings were not so near the line as alleged by plaintiff, and that the damage done to him were merely nominal, and that he suffered no greater injury than he did before the buildings were erected. One or two technical exceptions were also taken to the form of action which were overruled by Court.

His Honor Judge Fox charged the jury—that if they believed the plaintiff's witnesses, who had been in no essential part contradicted by defendant, there could be no doubt about the Plaintiff's right to recover. The action was well brought—the amount of damages which plaintiff was entitled to was entirely for the consideration of the jury—they might be nominal or in such amount as they believed plaintiff had sustained. The law had been correctly laid down by plaintiff's counsel—that no man had a right so to construct a building that the water off his roof fell upon his neighbors property; that he had no right to overhang his neighbors land with the eaves of his roof inasmuch as he was owner of every thing above as well as below the surface of the earth—his rights extended upwards as well as downwards—that even if the building and the eaves were within and upon his own land, still if their posi-

tion were such that the water fell upon his neighbour it was a trespass.

The Jury brought in a verdict for Plaintiff \$58 71.

Mr. McDowell for Plaintiff.

Mr. Ross for Defendant.

From the U. States Gazette.

A gentlemen of this city handed us the following account of an interesting

PHENOMENON.

On the evening of the 7th instant, about 8 o'clock, I was called out by a neighbor, to witness a phenomenon in the sky, which, as it was uncommon, and occurred at a time when it would be likely to be seen by many—I expected would have been noticed by some of thy very intelligent correspondents, but not having seen any thing upon the subject, please accept the following description of it, as it appeared to me.

In the South West a bright white light appeared streaming up towards the zenith, quite narrow, and (as one who saw its first rising said) like a jet of water from a hose pipe, and very rapidly extended nearly in a north easterly direction entirely across the horizon, after it had attained to an elevation of about 40 or 45, it separated into three or four streams, faintly blended together by the edges, more dense in their middle parts; but not so, as to obscure the stars, which were visible through any part of it during the whole time, the north eastern extremity appeared gradually to move about two points towards the north. The brightness of the light continued about 15 minutes, gradually fading away, and entirely disappeared in half an hour. The day had been cloudy, with slight dropping of rain, the thermometer ranging from 59 to 74, the evening was clear and pleasant, and particularly after the disappearance of the light alluded to, was remarkably fine. The appearance of the light, was much like those white clouds that are often seen in summer, and most probably was a narrow stratum of the electrical fluid, passing at a very high elevation, and had it appeared from the north, would no doubt have been viewed as a splendid display of the Aurora Borealis. Not professing to much science myself, I should be pleased to see from an abler pen some account of a phenomenon, the sight of which was calculated to excite those emotions of admiration and wonder, which the works of nature, whether common or extraordinary, always produce in a contemplative mind.

FELIX.

Easton, Pa. April 10, 1834.

REMARKABLE CIRCUMSTANCE.—On Saturday last Mr. William Leiday of this place, shot a robin which he took home to prepare for cooking. Upon cutting off the head he discovered that he had also taken off the head of a snake, which was contained within the body of the bird. He then drew out the body of the snake from the maw and intestines of the robin, and it proved to be a light green snake, of a kind entirely unknown in this part of the country, 14 1-2 inches long, and about one-third or one-half an inch thick. The robin was sitting when shot, upon a tree, and apparently in full life and health. The head of the reptile must have been advanced high up in the throat of the bird, as the whole head and part of the neck, were severed with the head of the bird. Strange as this occurrence may seem it is nevertheless true. At least half a dozen witnesses are ready to testify to the circumstances as we have related them, as occurring at the time the head was cut off and we ourselves were an eye witness of the fact of the head of the snake sticking in the severed throat of the bird, and of the process of drawing out the remainder of the snake which was most unequivocally and undoubtedly alive when we saw it drawn out.—*Easton Centinel.*

From the U. S. Gazette.

TEMPERANCE UNION.

Pursuant to the recommendation of the National Convention in this city last May, a meeting of Delegates from State Temperance Societies, was held in this city on Wednesday last, for the purpose of forming a United States Temperance Union.

President.

Gen. Stephen Van Rensselaer, of New York.

Vice Presidents.

Samuel Agnew, M. D. of Pennsylvania.

William Jay, Esqr of N. York.

Rev. G. B. Parry, of Mass.

Richard Boyleston, Esq. of New Hampshire.

Rev. C. P. Yale, of Connecticut.

Secretaries.

Rev. John Marsh, of Penn.

Isaac S. Loyd, do.

Harrison Gray, Esq. of Mass.

Rev. Thomas Brainerd, of Ohio.

Committee of Overtures.

Rev. Justin Edwards, D. D. of Mass.

Ed. C. Delavan, of N. York.

Rev. S. S. Beman, D. D. of N. York.

Rev. G. B. Parry, of Mass.

Rev. T. Brainerd, of Ohio.

The business of the meeting was conducted by mutual consultation, rather than by great speech making, and of course, was soon accomplished. After the adoption of a number of resolutions, touching the great and fundamental principles of the Temperance reformation, a general Union was organized by the adoption of the following resolutions.

1. Resolved that the officers of the American Temperance Society, and each of the State Temperance Societies in their associated capacity, be denominated, *The United States Temperance Union*.

2. The object of this Union shall be, by the diffusion of kind moral influence, to promote the cause of Temperance throughout the United States.

3. Resolved, That a committee of seven be appointed to carry, by all suitable means, the object of this Union into effect, and that those now appointed be continued in office, till others be appointed.

Isaac S. Loyd, of Penn.

Matthew Newkirk, do.

Isaac Collins, of do.

Edward C. Delavan, of New York.

Saml. Ward, of do.

Jon Tappan, of Mass.

Christian Keemer, of Maryland, were appointed this Committee.

4. Resolved, That the corresponding Secretaries of all the State Temperance Societies in the United States, be corresponding members of this committee,

5. Resolved, That the committee be authorized to call a meeting of the *Union*, at such time and place as they may think proper.

May 21.

THE WEATHER.—Probably, for the last twenty years, we have not experienced so unusual and extraordinary a freak in the weather, as that which has occurred within the last eight or ten days. During nearly the whole of last week, we were visited with a degree of cold, chilling weather, far more congenial to the rough, uncomely days of February, than the wonted mildness of balmy May. For several mornings, a searching wintry frost fell upon the vigorous strides and refreshing appearance of the vegetable kingdom, with the blighting hand of destruction; and the more delicate parts yielded an easy prey to its icy touch. The embryo fruit of the earlier description, have been utterly destroyed—without there escaping, as a farmer a few days since remarked, a single bud to tell the tale of their general fate. Another farmer informs us, that the greater part of his planted corn, has been lying in the ground for

four weeks, without sprouting above the surface; and that portion which has made its appearance, the severity of the frost has destroyed.—So that the whole will, necessarily have to be replanted. He further says that his grain has suffered considerable injury; and even the grass has not escaped unharmed.

Ice formed, for three or four mornings, to the thickness of from the sixteenth to the *fourth of an inch*:—the thermometer, in the meantime, ranging, at night, from 30 to 38 degrees; and at day, from 40 to 45 degrees. Coal grates and over-coats were in as general demand as in the middle of January.—*Germantown Telegraph*.

The cold weather and severe frosts of Tuesday, Wednesday, and Thursday nights, have done much damage to the fruit and vegetables in this vicinity. Ice from a quarter to half an inch in thickness was found on Thursday morning. The papers from Pottsville, Wilkesbarre, and other places north and east give account of a considerable fall of snow at that time. The sleighs were running in parts of the State of New York.

DELAWARE AND RARITAN CANAL.—On the 28th ult. two boats, loaded with coal, from Mauch Chunk, arrived at the Eastern Basin in Trenton, via the Delaware Canal, Penn. They came up the river from Bristol, and entered our Canal at Bordentown.

These are the first arrivals at Trenton from Mauch Chunk, by the canal. The feeder, we understand, is navigable to Lambertville for boats. The main canal is also navigable for boats from Bordentown to Kingston. Several with lumber have passed from Trenton to Princeton or Kingston this week, and a number have come down the feeder loaded with stone for the new Penitentiary.—*Trenton State Gazette*.

THE REGISTER.

PHILADELPHIA, MAY 24, 1834.

At the request of one of our professional subscribers, we insert the law in relation to Copyrights, which he informs us, is not easily to be found, and is very often required for reference.

In digging a cellar for a new house in Walnut street, between Third and Fourth streets, adjoining the Friends' almshouse, the bones of several bodies were discovered, which have probably been buried 70 or 80 years; as this spot of ground was formerly a portion of the burying ground attached to the Church of St. Joseph—and the interments have been discontinued for about that period. The teeth were in a very perfect condition, and portions of hair were attached to some of the skulls.

The predictions of the appearance of the Locusts are likely to be fulfilled. For several days past the boys have amused themselves in capturing numbers of these insects—inclosed in their shells or just escaped from them. It has been stated that heretofore for several periods they have uniformly appeared on the 25th of the month, in a body—of which, therefore, these few that have been taken are only the precursors.

The venerable Bishop White has during the week, delivered his fiftieth charge to the Episcopal convention.

Some strawberries and green peas have been brought to market.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 22. PHILADELPHIA, MAY 31, 1834. NO. 334

REPORT OF COMMITTEE ON THE UNITED STATES BANK.

Report of the majority of the Committee of the House of Representatives, appointed to investigate the affairs of the Bank of the United States.

(Presented May 22, 1834.)

The Committee appointed in pursuance of a resolution of the House of Representatives, passed on the 4th day of April, by which it was

Resolved, That for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials, which have been presented to Congress—at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections; and whether it has had any agency, through its management, or money, in producing the existing pressure, a Select Committee be appointed to inspect the books, and examine into the proceedings of the said Bank, who shall report whether the provisions of the charter have been violated or not; and, also, what abuses, corruptions, or mis-practices, have existed in the management of said Bank, and that the said Committee be authorized to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches. And they are further authorized to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable—

Respectfully submit the following Report, in part of their proceedings, so far as they have found it practicable to discharge the duties devolved on them.

Charged, particularly, to examine into the conduct and condition of the Bank of the United States, they have endeavoured most anxiously to ascertain correctly the true character of that highly responsible and delicate trust.

To judge rightly of the proceedings of the House of Representatives, and of its committee towards the Bank, it must be borne constantly in mind, that that corporation differs essentially from an ordinary banking company, incorporated for private benefit. The Bank of the United States was chartered for great public purposes, as an agent, deemed necessary to the Federal Government, in the efficient exercise of its high prerogative, to fix the value of money, and thereby secure the benefits of a sound circulating medium to the confederacy.

It was designed to aid the Treasury Department to collect conveniently and disburse the national revenue—if its stock, the United States hold seven millions of dollars. And its notes are by law made receivable, at par value, in payment of all dues to the Govern-

ment. Concede, as we must, that the Bank was established for great public ends, and that the House of Representatives is the grand inquest of the Union, and as such has power to visit and inspect all Departments of the Federal Government, to correct their abuses, reform their errors, and confine the exercise of their powers within the limits prescribed by law to each, and it follows that the House has power to appoint a committee to make a minute and full inquiry into all the multifarious operations of this powerful corporation.

But that there might be no doubt of the existence of the power here contended for, it has been expressly reserved in the 23d section of the charter of the Bank, which provides, "That it shall be at all times, lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of its charter have been violated or not."

The language in which this authority of the House is described, is so plain and so full, that an attempt to illustrate it appears to be supererogatory. The committee to be appointed are to "inspect the books and examine into the proceedings of the corporation" without exception. The section contains no reserved power to the Bank to designate the place where, or the persons in whose presence the examination shall be made.—These modes of exercising the main power are necessarily, as its incidents, dependent on the discretion of the sovereign with whom it is lodged. A contrary construction would make either or both Houses of Congress dependent on the agents whose conduct is to be the subject of inspection.

If the Bank can attach any conditions to its exercise, not found in the charter, then it could render nugatory the power, by which it was intended it should be checked and controlled. That the great conservative purposes for which such Committees of Investigation were to be appointed, might not be thus defeated, the extent and character of their inquiries are rightly made to depend on the wisdom, patriotism and justice of either House of Congress.

The only restriction to be found in that clause of the Bank charter which we are considering, is that which relates to the committee, and not to the House; and has reference, not to the extent of the examination, but to the character of the report to be made. The committee is directed to report, amongst other things, "whether the provisions of this charter have been violated or not." The object of this specific requirement is to be found in another clause of the same section of the charter, which provides, "whenever any committee as aforesaid, shall find and report, or the President of the United States shall have reason to believe, that the charter has been violated, it may be lawful for Congress to direct, or the President to order a *scire facias* to be sued out of the Circuit Court of the district of Pennsylvania, in the name of the United States, calling on the said corporation to show cause wherefore the charter hereby granted, shall not be declared forfeited."

But if there ever had been a well-founded doubt as to the true and fair construction of this reserved power

of the House, the committee did suppose it had been long since yielded.

In 1818, Mr. Spencer, of New York, offered to the House of Representatives a resolution providing for the appointment of a committee to inspect the books, and to examine into the proceedings of the Bank. In the debate to which that resolution gave rise, the opinions now entertained by your committee, were well expressed by many distinguished gentlemen. For presenting short extracts from one of the speeches then made, no apology, it is supposed, will be needed. Mr. Lowndes said, he had no apprehension of defect of power in the House to prosecute the inquiry in the terms proposed. He had no doubt of the power of the House, if the public interest required it, to direct a committee to make such a report. The nation, said he, has a deep interest in the conduct and management of the Bank: our duty to the people whom we represent, the nation's interest, as owners of a large portion of the stock, its interest in the revenues being wholly payable in the notes of the Bank, will justify a constant and vigilant attention to its proceedings. If there had been a doubt whether the conduct of the Bank had been proper or not, the House was fully justified in investigating into the facts, and inquiring whether abuses had been committed or not. He would vote for any inquiry, in its broadest shape."

The resolution of Mr. Spencer was adopted, and a committee appointed, who visited the principal Bank at Philadelphia and some of its branches. They had free, unrestrained access to the books and papers of the Bank. They were furnished by the officers with such extracts and copies from the books and papers as they called for. They summoned before them the Directors and officers of the Bank, and examined them on oath touching their conduct and proceedings. And the committee made to the House, on the 16th January, 1819, an elaborate report, from which we learn that their inquiries had been chiefly directed "to the general management of the Bank and the conduct of its officers." The transactions of private citizens with the Bank were then freely and fully examined. Individual transactions of the President and Directors of the Bank, in the purchase of its stock, were fully investigated, and those officers sworn and required to testify before the Committee. Though deeply affected, personally and officially, by these developments, they never hesitated or objected to obey the process or to give their testimony.

The names of the borrowers from the Bank were published without scruple, with the amount of money due from each, whenever, and not otherwise, such a publication was deemed necessary to illustrate the improper conduct or mal-administration of its officers.

This precedent, to which the committee of 1832 strictly conformed, is entitled to high respect from the eminent character of those by whom it was established, and who have justly enjoyed high reputations for purity of purpose and distinguished attainments.

If any additional reason for deference to this contemporaneous construction of the 23d section of the charter be necessary, it may be found in the fact that the Directors of the Bank in 1819, themselves assented to it. They conceded to the Committee of the House the right to inspect *all* their books and papers in such manner as that committee thought just and proper. Besides, those who now have the management of the Bank, in 1832, without question of right, without hesitation, without protest, produced for the inspection of the Committee of the House all their books, papers, correspondence and accounts, and appeared when summoned, and testified on oath touching the transactions of the institution under their control. With these preliminary observations, for which it is believed ample apology, if any be required, will be found in the subsequent portion of this report, the Committee will proceed with a brief analysis of their proceedings in the

execution of the duties devolved on them, showing the unexpected obstacles interposed by the managers of the Bank, to the progress of the examination, and their repeated refusals in violation of their charter, and in contempt of the authority of the laws and of the House of Representatives, to permit their books or papers to be inspected or their proceedings to be examined.

The purposes for which your committee were appointed, are stated so directly in the resolution of the House, that they have experienced no embarrassment in deciding on the character of the duties imposed. They are required 1st, to ascertain, if practicable, the cause of the commercial embarrassments and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and whether the Bank has had any agency through its management, or money, in producing the existing pressure.

2d. To inquire whether the charter of the Bank of the United States has been violated, and what corruptions and abuses have existed in its management.

3d. To examine whether the Bank has used its corporate power or money to control the press—to interfere in politics, or influence elections.

The powers designed to be conferred on the committee, if they could have been exercised, are adequate to the performance of the duties enjoined; they were authorized to send for persons and papers; to summon and examine witnesses on oath—to visit if necessary the principal bank and its branches—and to inspect the books, correspondence, accounts, and other papers connected with its management. Such are the duties and the powers of your committee, conferred on them by the House with extraordinary unanimity, and which your committee felt bound to regard, as consistent with the chartered rights of the corporators and their debtors.

Under a deep sense of respectful obedience to the decision of the House of Representatives thus solemnly expressed, and feeling that they had no right to question its justice or propriety, your committee proceeded to Philadelphia on the 22d April, to commence the performance of their duties.

On the 23d of April, their Chairman addressed to the President of the Bank, a communication, enclosing a copy of the resolution of the House of Representatives, and notifying him of the readiness of the Committee to visit the Bank on the ensuing day, at any hour agreeable to him. In reply, the President informed the Committee that the papers thus received should be submitted to the Board of Directors at a special meeting to be called for that purpose. It appears, in the journal of the proceedings of the Committee, herewith presented to the House, that this was done, and that the Directors appointed a Committee of seven of their Board, to receive the Committee of the House of Representatives, and to offer for inspection such books and papers of the Bank, as may be necessary to exhibit the proceedings of the corporation, according to the requirement of the charter. In the letter of John Sergeant, Esq., as Chairman of the Committee of Directors, communicating the proceedings of the Board, he says that he was directed to inform the Chairman of this Committee, that the Committee of the Directors "will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives" and would attend at the Bank to receive them the next day, at 11 o'clock. Your committee attended, and were received by the Committee of Directors.

Up to this period, nothing had occurred to justify the belief that a disposition was felt on the part of the managers of the Bank, to embarrass the proceedings of the committee, or have them conducted differently from those of the two preceding Committees of Investigation. On assembling, however, the next morning, at the Bank, they found the room which had been offered for

their accommodation, pre-occupied by the Committee of the Board, with the President of the Bank, as an *ex officio* member, claiming the right to be present at the investigations and examinations of this committee. This proceeding the Committee were not prepared to expect. When the appointment of the Committee of Seven was first made, it was supposed that measure, however designed, was not well calculated to facilitate the examination.

The officers of the Bank were believed to be the most appropriate agents of the Board of Directors to exhibit their books and papers. By them the entries in the books are made, and by them such entries are most readily explained. It is their duty too, to be daily at the Banking house, and on that account they could assist in the examination more readily than the Committee of Directors.

These objections to the special agents of the Board, were felt and expressed, but they were waived, and no disposition had been manifested or felt by your Committee, to conduct the examination in any manner not entirely acceptable to the Board.

Under these circumstances, your Committee did think, that a decent respect for their rights and privileges, and much more for the dignity of that body from which all their powers were derived, might have induced the Committee of Directors to forbear to make them feel an entire want of control over their own room. With a previous determination to be present when their books were to be inspected, they could have waited to avow it until these books were called for, and the attempt made to inspect them in their absence. These circumstances are now reviewed, because they then excited an apprehension which the sequel formed into conviction, that this Committee of Directors had been appointed to supervise the acts and doings of your Committee, and to limit and restrain their proceedings, not according to the directions contained in the resolution of the house, but the will and judgment of the Board of Directors. Your committee have chosen to ascribe this claim of the Committee of Directors, to sit conjointly with them, to the desire to prevent them from making use of the books and papers, for some of the purposes pointed out by the resolution of the House. They are sensible that this claim to be present at all examinations, avowed prematurely, and subsequently persisted in with peculiar pertinacity, could be attributed to very different motives, but respect for themselves, and respect for the gentlemen who composed the Committee of Directors, utterly forbids the ascription to them of a feeling which would merit compassion and contempt rather much more resentment.

This novel position, voluntarily and deliberately taken by the Committee of the Directors, predicated on an idea of equality of rights with your Committee, under your resolution, rendered it probable, and in some measure necessary, that your Committee should express its opinions of the relative rights of the corporation and the House of Representatives. To avoid all misunderstanding and future misrepresentations, it was desirable that each question should be decided separately. Contemplating an extended investigation, but unwilling that an apprehension should exist of improper disclosures being made of the transactions of the Bank and its customers, your committee, following the example of the committee of 1832, adopted a resolution declaring that their proceedings should be confidential, until otherwise ordered by the Committee, and also a resolution that the Committee would conduct its investigations "without the presence of any person not required or invited to attend." A copy of these resolutions was furnished to the Committee of Directors, in the hope that the extensive control of a room at the Bank, during its hours of business, would thereafter be conceded to your Committee, while the claim of the committee of Directors to be present when their books were

submitted for inspection, should be postponed for decision, when the books were called for and produced by them.

On the 28th ult. this Committee assembled at the banking house and again found the room they expected to find set apart for their use, pre-occupied by the Committee of Directors, and others, officers of the Bank. And instead of such assurances as they had a right to expect, they received copies of two resolutions adopted by the Board of Directors, in which they were given to understand that their continued occupation of the room must be considered a favour, and not a matter of right; and in which the Board indulge in unjust commentaries on the House of Representatives: and intimate an apprehension that your committee design to make their examinations secret, partial, unjust, oppressive, and contrary to common right.

When this communication had been read, your committee adjourned to meet at their own chamber, at the North American Hotel. Notwithstanding all that had occurred, the correspondence with the Committee of Directors was continued. If in so doing an error was committed, let it be imputed to the belief that great forbearance well became the Committee of the immediate representatives of the People.

While it was thus doubtful whether a room could be obtained in the Banking house, without conditions being attached, derogatory to the rights and dignity of the House, and a concession in advance of a claim set up by the Bank, which might seriously incommode your Committee in their business, they determined to execute your resolution, if practicable, without intruding on the Directors of the Bank; they therefore, required of the President and Directors, in writing, to submit for the inspection of the Committee, at their Committee room, on the 3d day of May, certain books and papers of the Bank, which might have been thus produced without interruption to the ordinary business of the Bank. The requisition, in terms implied the presence of the Directors, or their Committee.

On the day named, the Board addressed a written communication to the Committee, declaring, "that they cannot comply with that part of the resolution of the Committee of Investigation which requires that certain books of the Bank be sent to the North American Hotel, this day, at 11 o'clock."

Your Committee are of opinion that this refusal of the Board of Directors to submit the books of the Bank to the inspection of your Committee, is a violation of the Bank charter, and a contempt of the laws and authority of the House of Representatives.

The reasons for this opinion need not be here repeated or enlarged.

It has been maintained, and is insisted, that the right to inspect the books of the Bank, carries with it the power to perform that office out of the banking house, if it cannot be done conveniently and effectually therein, and your committee cannot perceive that just ground of complaint exists against a claim of power, in a Committee of either House of Congress, which, by the laws, and with a wise regard to the public interest, is conceded to the judicial tribunals of both the Federal and State Governments.

The facts already stated, demonstrate that a room could not be procured in the Bank for the use of the Committee, without a concession not to be recalled, which would have made your Committee dependent on the courtesy of the Directors of the Bank at every step of the inquiry, and the various communications received from the Directors and their Committee, annexed to this report, will fully corroborate this statement.

Having failed to accomplish the object of procuring the books of the Bank for inspection, at their Committee room, your Committee felt it to be their duty to demand their submission for that purpose, at the Bank, of the President and Cashier of the Bank, the usual and general agents of the corporation. For that purpose,

on the 5th day of May, having apprised the Committee of Directors of their intention, at one o'clock they repaired to the Bank, and then required the President and Cashier, each of them respectively, to produce certain of the books of the Bank, for inspection of the Committee. This was refused by each of those officers, for reasons stated in writing, and to be found in the appendix to this report.

In this refusal, your committee believe there was a substantial violation of the Bank charter, and a contempt against the authority of the House committed.

They are of opinion, that your committee were under no obligation of right to recognise any agent of the Bank other than those generally known as such, and make their duty and right to inspect the books depend on the convenience or caprice of such deputation.

If such be the fact, then the examinations of the Bank will, in all cases, depend on the disposition of the Directors to have their proceedings examined.

Having been thus denied, by the officers of the Bank, and having been informed by the Directors, that they were not aware of having declined to furnish a room, for the exclusive use of the committee, your committee sincerely desirous to meet the wishes and directions of the House, believed it to be their duty to seek another interview with the committee of directors, and by arrangement, met the committee of the Board, at the Bank, on the 7th day of May, at an hour fixed by themselves.

Your committee then and there, in writing, required of the committee of the Board to produce to your committee, for inspection, certain books and papers of the Bank; to enable your committee to inquire into the truth of representations made by the Government directors to the President of the United States and to Congress; and to ascertain whether the Board of Directors had violated the charter of the Bank, by authorizing the exercise of illegal powers by their committees or officers, and whether the Bank had any agency, through its management or money, in producing the present pressure, or has used its corporate power or money to control the press, to interfere in politics, or influence elections.

Without giving a specific answer to these calls for books and papers, the committee of directors, presented a written communication which was said to be "indicative of the mode of proceeding deemed right by the Bank."

The committee of the Board in that communication, express the opinion, that the inquiry can only be rightfully extended to alleged violations of the charter, and deny virtually the right of the House of Representatives to authorize the inquiries required in the resolution.

They also required of the Committee of Investigation, "when they asked for books and papers to state specifically in writing, the purposes for which they are proposed to be inspected and if it would be to establish a violation of the charter, then to state specifically in writing, what are the alleged or supposed violations of the charter, to which the evidence is alleged to be applicable.

To this extraordinary requirement, made on the supposition that your committee were charged with the duty of crimination, or prosecution for criminal offence, and implying a right on the part of the directors to determine for what purpose the inspection should be made, and what books or papers should be submitted to inspection, your committee replied, that they were not charged with the duty of criminating the bank, its directors, or others; but simply to inquire, amongst other things, whether any prosecution in legal form, should be instituted, and from the nature of their duties, and the instructions of the House of Representatives they were not bound to state specially in writing, any charges made against the Bank, or any special purpose for

which they required the production of the books and papers for inspection.

A specific answer was requested to the calls which had been made.

The Committee of the Board, after deliberation, made a communication to your committee, in writing, in which they announce their purpose to adhere to their resolution, and refused to submit the books and papers of the Bank, required by your committee to be produced for their inspection.

These calls were made in the bank, and in the presence of the Committee of the Board, and then and there a compliance with them was refused. Not feeling authorized to regard this unexpected and unequivocal refusal as the act of the Board of Directors, your committee submitted the proceedings of the committee to the Board, and they were by the Board "fully approved and sanctioned.

In this act of refusal, which nothing that had occurred had prepared them to anticipate, your committee are of opinion, that the charter of the Bank was violated, and a contempt of the authority of the House of Representatives committed.

Your committee, acting under the instructions of the House of Representatives, without power to modify or enlarge them, charged to inquire, and not authorized to accuse or to arraign, except in their report to the House itself, armed with but with limited authority of a committee, unauthorized to punish, were necessarily compelled to the conclusion, that, in the face of the obstructions already detailed, they could not efficiently prosecute the inquiries with which they were charged, without the aid of the power of the House of Representatives.

Anxious, however, to perform their duty without complaint to the House, and in conformity with the proceedings of the Committee of Investigation of 1819 and 1832, your committee called on the Bank, in a series of resolutions, to furnish statements and certain extracts and copies from their books and papers, which, in the opinion of your committee, were all intimately connected with their duties, and many of them indispensable to afford to the House of Representatives the information which they had directed your committee to obtain.

The first of these was responded to by the committee of Directors, and the information furnished. Though useful, it was comparatively unimportant.

The Board of Directors, after deliberation, refused to comply with the other calls, for reasons which will be found in their resolution in the Appendix, and which reasons deserve examination, as manifesting the deliberate purpose of the directors to resist all attempts to examine into the proceedings of the corporation in the latitude required by your resolution.

They say, that the Board of Directors do not feel themselves at liberty to comply with the requirement of the Committee of investigation, because "part" of the copies called for "relate to matters over which the Board have no control.

This reason, it is plain, cannot have had much weight in producing the decision of the Board. If only a part of the information desired was beyond the control of the Board, that fact could have been stated, and this committee would have cheerfully received the residue.

2d. The Board say, they cannot comply, because it would be impossible for them to do so "within any reasonable time, having ascertained by a careful examination, that the copies and statements called for by the resolutions of the 29th ultimo alone, would require the uninterrupted labor of two clerks for at least ten months.

This reason, it is also fair to presume, could not have materially influenced the decision of the Board. If, in truth, an entire compliance with all the resolutions would require great labor, still that did not justify the

refusal to comply with any one of them. Besides, the whole objection could have been obviated by the employment of more clerks than two, the compensation to whom, if paid either by the Bank or this committee, would have been well expended in gratifying the requirement of the House of Representatives.

3d. The Board say they cannot "comply, inasmuch as in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination.

Who can read this last reason for refusing, given by the Directors, and fail to perceive that this committee is justified in declaring, that, without the aid of *compulsory process*, they cannot obey the directions of the House. If extracts from their own books, made by their own clerks, will not be furnished, because they *might* be used to conduct an *ex parte* examination, what benefit could this committee expect to derive by access to the books themselves?

Permission to take extracts for themselves could, and probably would, be denied for the same reasons; and a committee of the House, without power to compel obedience to its demands, would have power to make no use of the books, which was not approved by the Directors themselves. And the House will be at no loss to determine what latitude they would be willing to give their inquiries. And without authentic extracts, such as were unhesitatingly furnished by the Bank to both the former committees of investigation, your committee could very imperfectly convey to the House, the grounds of their conclusions, or the result of their inspection and examination.

It what condition, then, is your committee placed? The House have commanded them to inquire "what corruptions and abuses have existed in the management of the Bank," whether it has used "its corporate power, or money, to interfere in politics, or influence elections."

To do this, they have attempted to use the only means that can, by possibility, enable them to fulfil this duty; and they are refused by the Directors access to those means which are in their custody, and which by their charter they are bound to furnish.

Because, say they, the inquiry of this committee has been charged to make, "can only be rightfully extended to alleged violations of the charter." And even these violations of charter are not to be inquired of until the Board is furnished with "a specification of all the charges intended to be inquired into." Should supposed violations of charter be specifically charged, then the Directors are to decide whether the facts, if true, as stated, would amount to technical violations of charter, and then, and not till then, will your committee be permitted to "proceed with them in order as stated. It must be said that these pretences, by which the Bank would justify its bold disregard of the provisions of its charter, are, in themselves, derogatory to the dignity, and contemptuous to the authority of the House, to which it, in fact, owes its being.

The committee believe, that these proceedings of the Bank Directors, denying vital and essential powers to the two Houses of Congress, and asserting, in effect, a paramount and controlling authority over both in executing a power, devised as a check upon the Bank itself would justify a more extended comment. But confiding in the disposition of the House to maintain its own rights and dignity, and to sustain your committee in the faithful discharge of their duty, they present as a part of this report the various resolutions adopted by your committee, with those received from the agents of the Bank, as an appendix, declaratory of the powers believed to be possessed, and the purposes of your committee.

They believe that these regulations will of themselves vindicate their conduct and proceedings from all those imputations which are to be found in the various com-

munications of the Directors and their committee, and will serve to show that they have afforded no justification whatever for the extraordinary position ultimately taken by the Committee of Directors and the Board. But that their determination not to permit of any conduct of theirs not involving breach of charter, to be investigated, must have been entertained long before it was made known to your committee—and that it was not communicated until every other means of preventing the examination had proved unavailing. But for this conduct, which your committee cannot regard as distinguished by frankness and candor, the absence of your committee, from their duties in the House would have been of much shorter continuance.

Believing they had now exhausted in their efforts to execute the duty devolved upon them, all reasonable means depending solely upon the provisions of the Bank charter, to obtain the inspection of the books of this corporation, your committee were at last reluctantly compelled to resort to the subpoenas which had been furnished to them under the seal of this House, and attested by its clerk. They, thereby, on the 9th inst. directed the Marshal of the Eastern District of Pennsylvania to summons Nicholas Biddle, President, and thirteen other persons, directors of the Bank, to attend at their committee room, on the next day, at 12 o'clock, at noon, to testify concerning the matters of which your Committee were authorized to inquire, and to bring with them certain books therein named for inspection. The Marshal served the summons in due form of law, and at the time appointed, the persons therein named appeared before the Committee and presented a written communication signed by each of them, as the answer of each to the requirement of subpoena (which is in the appendix to this report.) In this paper they declare "that they do not produce the books required because they are not in custody of either of us, but as has been heretofore stated, of the Board," and add, "considering that as corporators and Directors, we are parties to the proceeding—we do not consider ourselves bound to testify, and therefore respectfully decline to do so."

Your committee will not dwell long to answer these technical excuses for this contempt of the lawful mandate of the House. They are to be found at large in the written document above referred to. Most of them it is believed, have been already satisfactorily answered. The too novel excuses herein set forth, cannot but be condemned as insufficient. The first is founded on a very refined distinction between the power of the Directors as persons and as corporators. The same persons have and have not power to submit the books. As corporators, the custody of the books is in them; but as individuals, although collectively assembled, the same books are not under their control. Thus, by an attenuated technicality, the lawful authority of the House is to be defied. If, in one room of the Bank they must be esteemed as "individual citizens," who may lawfully disregard a subpoena duces tecum, because they have not the book demanded—if: in another room of the same house, by a transmigration not known to Heathen philosophy, their identity is gone; they have become mere ideal creatures, on which not even a subpoena ad testificandum can be served.

To make this excuse still more extraordinary let it be remembered that seven of the gentlemen by whom it is offered had been appointed by the Board of Directors to exhibit the books of the Bank for inspection, and of course must have had the right to that exclusive possession for that purpose.

The reason assigned for the refusal to be sworn is parallel with that which has just been considered—that as corporators and directors, they are parties to the proceedings of the House, and therefore not bound to give testimony. It is a humane rule to be found in the criminal law, which declares that no man shall be compelled to criminate himself, and one which this com-

mittee would be unwilling, under any circumstances, to deny, but your committee are not aware of any principle of evidence which will excuse a person for refusing to give testimony, simply because it may subject him to a civil action.

There are provisions in the Bank charter, making the directors liable to a civil suit if proved to have participated in certain transactions therein mentioned. But it ought not to be supposed that any thing can be found on the books of the bank that would subject the directors to a criminal prosecution. Even if the latter supposition be not entirely without foundation, still it is insisted that a witness called on to testify, must do so, unless the Court or other tribunal before which he appears, shall adjudge that he is interested. That question the witness cannot be permitted to decide for himself, otherwise evidence might be withheld without good cause. As to the supposition that the Directors, or the corporation under their control, are to be considered parties to the inquest this committee was directed to institute, it has already been answered in this report, and needs no further reply. If the inquest had been prosecuted, and had satisfied Congress or the President, that a scire facias ought to issue, then, and not till then, could the Bank directors become parties to the proceeding, and under that principle, attempt to conceal transactions known only to themselves; and even then their books might be used as evidence against them. Justice requires us to add, that the directors, while they protested against our right to examine them, declared they had no knowledge, which, if a necessary regard to their duty and the rights of others permitted, they would not willingly expose without reserve.

Under such circumstances, it is to be regretted that they have not imitated the course of the directors of 1819 and 1832, by waiving their supposed technical rights, and inviting an unrestrained examination of their proceedings. Such conduct could not but have gained public approbation; and it is humbly conceived, could not have been reasonably objected to by any persons having business with the institution. If such had been the course of the Directors, the committee hope to be pardoned for saying it was their purpose to have endeavored to have performed the duties which had been enjoined, thoroughly, impartially, and with a rigid adherence to the immutable principles of truth and justice.

Thus, your committee conclude, the just power and authority of the House of Representatives have been set at naught, defied, and contemned.

Thus, the charter of the Bank of the United States has been deliberately violated, by repeated refusals of the Directors of that Corporation to submit their books and papers to the inspection of this committee.

Thus have the just expectations of the House and of their constituents been disappointed, and all means of obtaining the best and most accurate information concerning the operations of a controlling moneyed institution, been cut off and denied.

It remains for the House and the country to decide how far this conduct of that directory has been dictated by their solemn duty, as declared to protect the interests of others committed specially to their protection. How far it conforms to those principles of action which are based on conscious integrity and uprightness of purpose, which defies scrutiny, and invites investigation; and how far it shall be received as a plea of guilty to the high misdemeanors which they insist have been charged against the corporation of which they have the management and control.

These grave questions, with others growing out of the transactions and proceedings, are left to be decided by the House of Representatives.

To elicit those opinions, the following resolutions are most respectfully submitted:

1. Resolved, That by the charter of the Bank of the United States, the right was expressly reserved to either House of Congress, by the appointment of a committee, to inspect the books, and to examine into the proceedings of the said Bank, as well as to ascertain if at any time it had violated its charter.

2. Resolved, That the resolution of the House of Representatives, passed on the 4th of April, 1834, for the appointment of a committee, with full powers to make the investigations embraced in said resolution, was in accordance with the provisions of the charter of said Bank and the power of this House.

3. Resolved, That the President and Board of Directors of the Bank of the United States, by refusing to submit for inspection, the books and papers of the Bank, as called for by the committee of the House of Representatives, have contemned the legitimate authority of the House, asserting for themselves powers and privileges not contemplated by the framers of their charter, nor in fairness deducible from any of the terms or provisions of that instrument.

4. Resolved, That either House of Congress has the right to *compel* the production of any such books or papers as have been called for by their committee, and also to *compel* said President and Directors to testify to such interrogatories as were necessary to a full and perfect understanding of the proceedings of the Bank at any period within the term of its existence.

5. Resolved, That the Speaker of this House do issue his warrant to the Sergeant-at-Arms, to arrest Nicholas Biddle, President, Manual Eyre, Lawrence Lewis, Ambrose White, Daniel W. Cox, John Holmes, Charles Chauncy, John Goddard, John R. Neff, William Platt, Matthew Newkirk, James C. Fisher, John S. Henry, and John Sergeant, Directors of the Bank of the United States, and bring them to the Bar of this House, to answer for their contempt of its lawful authority.

REPORT

Of the MINORITY of the COMMITTEE ON THE UNITED STATES BANK.

Mr. Everett, from the minority of the Committee appointed to investigate the affairs of the Bank of the United States submitted the following Report:

The undersigned, members of the Committee for investigating the affairs of the Bank of the United States, having differed from their colleagues as to the extent of the powers of the committee, and the mode of pursuing the investigation, beg leave to submit the grounds of this difference, and their reasons for not concurring in the report of the majority of the committee.

The twenty third section of the law, approved on the 10th of April, 1816, (commonly called the Bank Charter), makes the following provision: "It shall at all times be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not." This provision is, in terms, an express grant of power to either House of Congress; and, consequently, but for this grant, neither House of Congress would have possessed the power. To suppose that either House of Congress would have possessed the power, although the charter had been silent on the subject is to suppose that so much of the twenty third section of the charter as gives the power, is mere surplusage—an unauthorized and inadmissible supposition.

If the power reserved in the twenty-third section had been already possessed by either House of Congress, it must have been in virtue of its general authority to institute inquiries, & to for persons and papers. But had the Congress who granted the charter understood that this authority to send for persons and papers extended to the inspection of the books to the Bank, they could not have deemed it necessary to provide that it should be lawful, at any time, for either House of Congress to appoint a committee for such inspection.

The resolution passed on the 4th of April last, under which the Committee of Investigation was appointed, is expressed in the following terms:

[The resolution will be found at the commencement of the preceding report.]

The committee, thus appointed, is clothed with the power granted to either house of Congress, by the twenty-third section of the charter, the same being given to it by the express words of the resolution, which authorizes it to "inspect the books, and examine into the proceedings of the said bank," and "report whether the provisions of the charter have been violated or not."

Had the resolution stopped here, its interpretation would have been easy. It would have been (and would so have necessarily been understood) a resolution creating a committee under the power granted by the twenty-third section of the charter, and for the precise objects, and no other, therein provided for. But the resolution of the House goes much further. It purports to authorize the committee to engage in a much wider range of inquiry than the violation of the charter. It declares the objects of investigation to be three-fold, viz: 1st, the causes of the commercial embarrassment and distress alleged to exist; 2d, violations of the charter; 3d, corruptions and abuses in the management of the Bank, of which several are alluded to in very general and comprehensive terms, as will be perceived by recurrence to the resolution just quoted. Of these three objects, the second only is the one on which a committee, raised in pursuance of the twenty-third section of the charter, is authorized to report.

As the resolution of the House enumerates objects of inquiry not named in the charter, so it specifies means of attaining information, not provided for in that law. It authorizes the committee "to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs of the said Bank and branches."

The point of chief question in this matter has been, what extension of the powers possessed by the committee, in virtue of the 23d section of the law, is effected by this additional detail of the objects to be investigated, and of the means for attaining knowledge concerning them.

The subscribers understand their colleagues, the majority of the committee, to claim, under the terms of the resolution, an unlimited power of inquiry after all the conceivable corruptions and malpractices of the bank, and of sending for the persons officers and directors, and for any and all of its books and papers, in order to ascertain whether any such corruptions and malpractices exist. The subscribers believe that no such power of general search was given to the committee by the resolution; and that it was not competent for either House of Congress to give it.—In their difference of opinion from their brethren of the majority on this head, will be found the chief source of their dissent from most of the important measures proposed by the committee.

Before explaining their views more distinctly, they would observe, to avoid all misconception, that it is no part of their purpose to maintain that the power of the committee is confined to an inquiry, whether the charter of the Bank has been violated. The undersigned believe it is competent for the House to inquire into any alleged abuse or corruption whatsoever, to the utmost latitude required by the public good, and authorized by the principles of justice and law. They believe that the committee, of which they are members, was authorized to make such inquiries. They believed, however, that these inquiries were to be conducted according to the charter; that is, according to law; and according to those general principles of equity and constitutional right which cannot be transcended, in virtue of any resolution of either House of Congress; and which the undersigned are unwilling to believe that either House of Congress could attempt or wish to transcend.

The undersigned have already, as they think, shown, that the provision in the charter is a grant of power, which would not otherwise have been possessed by either House. So far, therefore, is the general power of sending for persons and papers, from enlarging the charter power, that this latter is an addition to the power of sending for persons and papers. The power, therefore, possessed by the committee under the charter, and recited in the resolution, is not, and cannot be, extended or enlarged by any thing else in that resolution. No limitation imposed by the charter upon the inquiry which the committee is thereby authorized to make, or the mode of making it, can be removed by the general parliamentary power of the House to institute investigations, and send for persons and papers. It would

be an absurdity to make a charter provision for extending the general powers of the House, and then to seek to enlarge the powers conveyed in that provision, by the addition of something else, supposed to belong to the general authority of the House.

In addition to this, it must be recollected that the charter is a contract proposed by the Government to the stockholders, and voluntarily entered into by them. This power of visitation, and of subjecting the books to inspection, is one of the conditions of the contract, onerous to the stockholders. To attempt to enlarge it by construction, is to attempt, contrary to the faith of the country, to interpolate new and oppressive conditions into the contract. The undersigned, therefore, maintain that a resolution of one house of Congress, passed in virtue of its general power of inquiry, cannot enlarge the specific provisions of the law. But they do not, therefore hold that this committee could not, under the authority of the resolution of the House, inquire into any other matters than breaches of the charter. They maintain only that this is a power to be exercised agreeably to law and justice; that it is not an absolute inquisitorial power; that it does not authorize a committee of either House to prosecute a secret inquiry of indefinite character, after any and every abuse, probable or possible. It does not extend the right of inspecting the books, granted for one purpose alone, so as to authorize their inspection for purposes totally different. It does not put it in the power of a committee to issue warrants of general search, and compel the appearance of citizens, and the production of papers, not in proof or disproof of charges against third persons, by evidence of which they are the legal depositories, but in order to enable such a committee to find out by these papers, whether those who bring them are not themselves guilty of misdemeanors. Such a power as this, the undersigned wholly reject as abhorrent to reason and justice; unknown to the constitution of this country; at war with its spirit and with its letter; and utterly repugnant to the public sentiment of the people. To claim such a power, is to claim for either House of Congress the right, in virtue of a resolution, of sending to the remotest corners of the Union for any number of persons, compelling them to attend a committee, with all their papers, to submit to be examined on oath; to exhibit those papers for inspection; and thus to enable such committee to find matter of fixing on such individuals the charge of gross, but previously unspecified misdemeanors and corruptions.

It is not necessary for the undersigned to endeavor to define what are the limits of the powers of inquiry possessed by the House of Congress. It is sufficient for their present purposes to have shown, (and the proposition is proved in its enunciation,) what they are not and cannot be. It cannot be in the competence of the committee to institute a general search, and compel the citizens on oath to purge themselves if innocent, and criminate themselves if guilty; and bring with them their papers to be ransacked in a roving hunt for unspecified crimes. The Constitution reserves to the people the right (a right inviolable without the reservation) "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. Of all unreasonable searches that can be imagined, none is more signally so than a general search into the papers possessed by a person, whether individual or corporate, with a view to find (if it should happen to exist) matter of crimination against that person. A general search for any purpose is unreasonable; for the object of criminating the individual searched, it would be at war with the first principles of justice, and, as exercised by a committee of the House of Representatives, one branch of a Legislature of limited constitutional jurisdiction, an enormous assumption of power. It would be unreasonable, because, as no man is beyond the possibility of doing wrong, the right to institute a general search, if it existed, would be a right of inquisition into the affairs of every individual in the community; a right too extravagant to be claimed by any Government pretending to be limited by law, and never exercised by any but those odious and arbitrary tribunals which are handed down to the undying execration of mankind. It would be at war with the first principles of justice, which, as a general rule, compel no man to criminate himself, directly or indirectly, nor to furnish the means of his own crimination. It would be an enormous assumption of power on the part of either House of Congress: a body whose juris-

diction does not extend to any considerable portion of the conceivable crimes and misdemeanors which such a search might, if they had been committed, bring out; and who can surely lay claim to no power of searching out matters, which, if the search be successful, are without its province, both of legislation and punishment.

It may be observed that, if the right of making such a search of the Bank of the United States be claimed in virtue of the general powers of inquiry possessed by the House, it extends to every State Bank in the Union, as fully as to the Bank of the United States. The charter gives a power of visiting the corporation thereby created, and of course exclusively confined to the Bank of the United States. That power, as has been urged, can be applied only to the objects for which it is given, viz: to enable a committee to report "whether the provisions of the charter have been violated or not." But if we go farther, and claim a right, under the general power of inquiry possessed by the House, to search the Bank for objects not made subjects of search by the charter, then it is obvious that the corporators and directors of the Bank of the United States are no more amenable to such a search in their persons, books, and papers, than the corporators or directors of any other bank, of any insurance office, trust company, turnpike, canal, or railroad company, or any other private citizens. The right, therefore, claimed by the majority of the committee, if it transcends in the slightest degree the limitations of the charter, must flow from a claim of power, which would bring within its grasp every corporation, every citizen, and every book and paper in the United States, and subject them, at any time, to a general search of a committee of either House of Congress.

Should it be contended that, as a great stockholder, the Government has a right to institute this search, the answer is obvious. The House of Representatives is not the Government; and the Government, as a stockholder, has no rights not possessed by the other stockholders, or to be exercised in any other way. In the contract between the Government and the stockholders, by which the Bank was created a corporation of a character partly private and partly public, the Government reserved to itself all the powers which it thought were required to protect its interests as a stockholder, or which were needed in reference to any other relations of the Bank to the country.—To these reservations, the stockholders, by accepting the charter, assented. They cannot now be extended to the prejudice of the Bank, without a violation of law, and a breach of faith.

The undersigned are far from intending to charge their respected colleagues, from whom they differed with pain, with the design consciously to institute a search of this character into the affairs of the Bank, but they felt obliged to dissent from a considerable portion of their measures, deeming them, in effect, (though certainly not intended,) to have all the essential characters of such a general and unlawful search. The justice of this remark will, as the undersigned think, abundantly appear, from a review of the principal measures adopted by the committee, which will now for this reason be briefly examined.

1. The first step taken was a call by the Committee of Investigation on the Committee of Directors, for "a list of the books of the Bank, with an explanation of the purposes for which each is designed and the name of the clerks to whose care and custody they are respectively committed." This was a step preliminary to the process by which the Committee of Investigation, in the judgment of the majority, could call for, and take into their possession, by a precept addressed to the clerks in the Bank, any or all of the books of the institution in which the business transactions of the Bank are entered by the said clerks. This list was furnished by the Committee of the Directors, with the statement, however, that the books were not in the custody of the clerks, but in the general custody of the Board. In consequence of this statement, no attempt was made to obtain possession of the books by a demand of the clerks.

2. Of a similar character, but more objectionable, because tending more directly to the institution of a general search, and forming an immediate preparation for it, was the right, insisted on by the committee, of an exclusive occupation of the room in the banking-house, offered by the directors for their accommodation during the inspection of the books. The undersigned refer to the correspondence between the Committee of Investigation and the Committee of the Bank on this subject. They would only briefly observe, that a committee of seven had been appointed by the Board of Directors, to receive the Committee of Investigation, and submit for their inspection such books and papers of the Bank as might be necessary to exhibit its proceedings according to the requirement of the charter. A room in the banking-house was, by this committee, offered for the accommodation of the Committee of the House of Representatives. It appeared at a very early stage of the proceedings, in a conference between the two committees, that the Committee

of the Directors proposed to exhibit their books in person to the Committee of Investigation, expressing at the same time, their expectation and readiness to "withdraw from the room whenever the Committee of the House should so fit," in order to furnish the Committee of the House the opportunity to deliberate, without the presence of any one, not required or invited by themselves to attend. This proposed manner of conducting the examination was regarded by the majority of the Committee of the House of Representatives as inadmissible, and formed the subject of a correspondence between them and the Committee of the Directors. The Committee of the House adopted two resolutions, by one of which it agreed that their proceedings should be confidential, unless otherwise ordered by the Committee; and by the other, that no person should be present at the inspection of the books and examination of the proceedings of the Bank, except those whose attendance might be required or permitted by the Committee of Investigation.

The first resolution was regarded merely as an understanding, on the part of the Committee of Investigation, that no publicity would be given by them, until otherwise ordered, to the matters that might appear in the course of the examination. The undersigned assented to this resolution, with the understanding of the parliamentary law, that the sittings of every committee are open, unless ordered to be secret by the House; and that it was not in the power of the present committee, by a vote of their own, either to shut their doors, or impose secrecy on any persons who might attend. But they assented to the injunction of confidence, in conformity with a usage which has prevailed in other committees of inquiry of the House, for their own convenience, as a rule binding on themselves, and with the express reservation that the adoption of this resolution should in no degree, involve an assent to the principles asserted in the second. To that principle, viz: that no person should be permitted to attend during the inspection of the books of the Bank, and the examination of its proceedings, whose presence was not required nor assented to by the Board, the undersigned were strenuously opposed. It was asserted as a right on the part of the Committee, and (as the undersigned supposed, and the Committee of the Directors of the Bank appeared also to understand it,) with an intention to enforce the right. In pursuance of this intention, (as the undersigned supposed,) the Committee of Investigation ceased to hold their meetings in the rooms set apart for them in the banking-house, as soon as they understood the Committee of the Directors of the Bank to claim the right of being there present with their books, during the inspection of the same. It is true, that by a subsequent resolution, the Committee of the House of Representatives disclaimed having decided that they should, in point of fact, exclude the directors from the room, during the inspection of the books; but they persevered in the assertion of the right to do so, as appears from the documents appended to this report.

This claim was regarded by the undersigned, as being without foundation and objectionable. In the first place, as has been observed, they believed it to be contrary to the *lex parliamentaria* for a committee of inquiry, on its own authority, to claim the right of holding its sittings, except when deliberating and voting, in secret. It can only be constituted a secret committee by express order of the House. Secondly, this principle involved the right of withdrawing the books of the Bank from the custody of the directors, and taking them into the possession of the Committee of Investigation. This is a power not given by the charter, which, as far as the books are concerned, authorizes a committee only "to inspect the books." As the right thus reserved by the charter to Congress, is not only one of the conditions of an agreement, but is in derogation of the rights and liberties of the citizen, and ought not be claimed at common law, and its exercise at best, and under any circumstances, must be highly inconvenient, and create a serious interruption of the business of the bank, it should be construed rather strictly than liberally, and not draw with it, by implication, any thing not necessary for its exercise. The entire confidence, which the undersigned feel, in the liberality and magnanimity of their colleagues, so to conduct the inspection, as to cause the least possible inconvenience to the officers of the Bank, could not authorize an acquiescence in a claim of right, wholly to obstruct and bring to a stop the ordinary proceedings of the Bank; in fact, to suspend the charter.

It was a claim to take the books out of the possession of the directors into the possession of the committee, to detain them as long as they pleased to car-

ry them whithersoever they pleased, (a right afterwards more distinctly asserted and attempted to be enforced,) and to put them to whatever use the committee, in their uncontrolled discretion, might think proper. The undersigned again repeat, that it derogates in no degree from the objectionable character of this claim, to urge that the books of the Bank, thus taken from the possession of the directors, could have been put to no unworthy use by the Committee of Investigation. Such an idea could only suggest itself to be repudiated. It is sufficient objection that they would have been put out of the custody of those responsible to the stockholders for their safe keeping. The most improper use to which the books, or any other property of an individual or a corporation, can be put, is, to take them away from their rightful owner and lawful guardian. I may think I can better take care of my neighbor's property than he does himself, but I may not therefore take it from him, and administer it, even for his own good far less may I take it, without warrant of law, in order to extract from its unlawful use matter to be used directly or by consequence, for his crimination. The books belong to the stockholders of the Bank, and are, by them, entrusted to the directors. They do not belong to the House of Representatives, nor to any committee of that House; and a right to inspect them no more involves a right to take possession of them, than a right to count the money in the vaults involves a right to take possession of it. It is a case of frequent occurrence in State Banks, that committees are sent to visit them, and, among other things to count the specie in their vaults. Should such a committee claim the right of going into the vaults alone, and counting the money, without the presence of the directors of the Bank, or their authorized agents, it would be thought a very unwarrantable claim; and no personal confidence, reposed in the honor and probity of the committee, would render such a claim at all the less unwarrantable.

But the attempt to fortify the right of taking possession of the books, by urging that, in its exercise, it would not have been abused, wholly fails, in the apprehension of the undersigned, because they deem that the use which was avowedly to be made of them, was the greatest possible abuse. It was intended to employ them for the purpose of a general search, not only to ascertain, in the most general form, whether the charter of the Bank had been violated, but also what corruptions, abuses, and malpractices had taken place in its management; and thus, by way of inquiry, among other things, whether a criminal prosecution, in legal form, should be instituted, (see resolution of Committee of Investigation of 7th of May,) in which prosecution the directors, called to submit the books, would have been the party implicated.

The undersigned believe, that, in a land of constitutional liberty and law, it can need but little argument to show that a claim, on the part of a committee of either House of Congress, acting in virtue of the general parliamentary power of inquiry, to demand, as a matter of right, the production, and to take possession of, the books and papers belonging to an individual or a corporation, in order to search therein for matter on which to found a criminal procedure against said individual or corporation, is a claim at once of the most unfounded and pernicious character. They confidently believe that no court of justice in the United States, or any other free country, has ever claimed such a power as a right, or attempted, in point of fact, to execute it. They have never heard of any statute which gives this power to any court or other tribunal. And they would deem the assumption of such a power, by either House of Congress, as an incident of the general powers of the House, and, resting on the *lex parliamentaria*, as unwarrantable, and in the highest degree dangerous.

3. The committee having withdrawn from the occupation of the room in the banking house, for the reason stated, adopted a resolution requiring the President and Directors of the Bank to submit certain of the books of the Bank to the inspection of the committee, at their room in the North American Hotel. (See Doc. No. 25.) With this requisition the Committee of the Directors declined complying, for reasons which appear in their resolutions adopted May the 3d. (Document No. 30.) The undersigned regarded this resolution of the committee as open to the objections already urged against an *ex parte* inspection of the books, and to others peculiar to itself. By its terms, the President and Directors are required to submit certain of their books to the inspection of the committee at the North American Hotel. If, by the term required, nothing is to be understood but a request, with which the Directors of the Bank were at liberty to decline a compliance, they were of course free so to decline, and their doing so, argues no con-

tempt of the House. But the majority of the committee evidently regarded, as in some way obligatory, the demand for the production, at their hotel, of certain of the books of the Bank. Such a demand the subscribers deemed to be unauthorized. If valid, in reference to the books named in the requisition, it was of course valid to all the books of the Bank and all its branches; which, by purity of right, the committee might have required to be brought to their lodgings, and there detained and used at their pleasure. The question whether (supposing them brought to the committee's room at the North American Hotel) they should there be submitted in person by the Directors, or inspected *ex parte* by the Committee of Investigation, was not distinctly raised. But considering that the committee ceased to hold their meetings at the banking house, precisely because the Directors insisted on their submitting the books for inspection in person, it appeared to the undersigned that, whether exercised or not, the right of an *ex parte* inspection was designed to be reserved, and that the inspection was required to be had at the private room of the committee, to enable the committee, if they deemed it expedient, to act on that reservation. All the objections, therefore, which lie to an *ex parte* inspection in the banking house, hold with equal force to an *ex parte* inspection out of it.

In addition to this, the requisition of the books, to be carried away from the banking house, appeared to the undersigned, for other reasons, of an inadmissible character. It was to take them away from the place where the important interests of the Bank require them to be, and to be used. It was to expose them to the risks of transportation through the streets and detention in private rooms, not constructed for the safe preservation of valuable papers. While it is the constant practice of individuals to deposit for safe keeping valuable books and papers in the vaults of the Bank, the Bank was required to remove its own books and papers, containing the evidence of pecuniary transactions to the amount of several hundreds of millions of dollars annually, to the committee's room in the North American Hotel, a public house of great resort in Philadelphia. The undersigned opposed this requisition, from the belief that it was totally beyond the authority of the House, and they should have deeply regretted a compliance with it by the Bank, which would have devolved on the committee the care and responsibility of a deposit so delicate and valuable.

By the 23d section of the charter, whenever a *scire facias* against the Bank is sued out of the circuit court of Pennsylvania, it shall be "lawful for the court, in examining into the truth of the alleged violation of the charter, to require the production of such of the books of the Bank as it may deem necessary to the ascertainment of the controverted facts." "This is the only case in which the contract between the Government and the stockholders authorizes a requisition of the books; and this cautious authority, granted by law to one of the high judicial tribunals of the country, on an examination into an alleged violation of the charter, to require the production of the books which it may deem necessary to the ascertainment of controverted facts, sufficient to disclose by exclusion, the grant of any similar or additional power, of the same kind, to any other tribunal. That the House of Representatives, independent of the charter, has a right, by one of its committees, to require the production of any or all of the books of the Bank at the lodgings of said Committee, or any where else, the undersigned cannot bring themselves to admit. At all events, as no authoritative form was given to the requisition, the directors, in respectfully declining to comply, are of course guilty of no contempt of the House.

After the Directors of the Bank had declined a compliance with the requisition of their books to be produced at the North American Hotel the Committee of Investigation, on the 5th of May, adopted a resolution (see document No. 32) that they would repair to the banking house, at one o'clock of that day to inspect the books specified in the resolution of the 28th, and such others as they might require to be produced. A copy of this resolution was sent to the Chairman of the Committee of the Directors but reached him at his dwelling house, at a time when the committee of the Directors was not in session, and a short time before the hour named in the resolution of the Committee of Investigation. He immediately informed the Chairman of the Committee of the House by letter, that it would be impracticable to re-assemble the Committee of Directors in season to submit the books for inspection that day, but that they would be reassembled without unnecessary delay. The committee, however, deemed it expedient, for the purpose of making up an issue to repair to the banking house at the hour named, and then and there to call on the President and Cashier of the Bank to submit certain of their books to the Committee. This accordingly took place, first in the large hall of the banking house, and then, by repetition, in the President's room. The President and Cashier declined a compliance with this request, on the ground that they had neither of them, the custody of nor control over the books and papers; the general custody of the same

being with the Board of Directors, who had already apprised the Committee of the House, that they had placed them under the direction of a Committee, to be by that Committee submitted for inspection, and that they (the President and Cashier) were therefore unable to comply with the demand of the Committee of Investigation. This demand, and the answer to it, were then reduced to writing, and will be found among the papers (Nos. 35, 36) appended to this report.

This proceeding was but a repetition, in a form a little varied, of the attempts before made to acquire the means of conducting the inspection of the books, apart from those to whom the directors had confided the duty of submitting them to the committee of the House of Representatives. It was avowedly intended only to make up, in another form, the issue which it was supposed would be created between the Bank and the Committee of Investigation, by the failure of the Committee to obtain the books thus required of the President and Cashier. It was known to the Committee of the House that the directors, by an authentic act, of which a copy had been communicated, had placed the books at the disposal of the Committee of the Board, to be by them submitted in person for inspection. The said Committee of the Directors had twice positively made known their inability to depart from the instructions of the Board in this respect.—The Committee of the House were apprized that the books asked for, were not under the instructions of the Board, at the voluntary disposal of the President and Cashier, and the demand made of these officers by the committee in person at the Bank, was not of the nature of a legal process to compel their production, supposing them to have been *de facto* in the keeping of the said officers.—For these considerations, the undersigned opposed the personal demand for the production of the books now under consideration, as a measure which must, for the reason stated, prove ineffectual, unnecessary for the making up of the desired issue, and open to the objection of wearing a vexatious appearance. To make a third application for a voluntary submission of the books in a manner which it was known was deemed inadmissible, at the same time no recourse was had to compulsory process, could not but have the effect, though certainly not so intended, of gratuitously throwing upon the directors the odium of repeated refusal of the requests of the Committee of the House. However this may be, as the fact is undoubted that the directors had placed the books under the control of the Committee of the Board; as their right to do so is unquestionable; as the chairman of the Committee of the Directors had apprised the chairman of the committee of Investigation that the former could not be reassembled, at the very short notice given, but should be so, without unnecessary delay, to submit the books for inspection; as the books were not, in point of fact, in possession of the officer called on; the undersigned feel confident that, in respectfully declining to produce them those officers were guilty of no contempt of the authority of the House.

5. But whatever difference of opinion might at the first have existed between the Committee of the House and the Committee of the Directors as to the propriety of permitting the latter to retain the custody of the books, and submit them in person to the Committee of the House, further consideration appears to have led the Committee of the House to admit the reasonableness of this mode of conducting the investigation, so far at least as to acquiesce in it—a consideration which exonerates the directors from any charge of contempt in the course hitherto pursued by them. Accordingly, without waiving their right to require the production of the books at their lodgings, they repaired again to the banking-house, to the room set apart for their accommodation, and required the production of certain of the books of the Bank.

It will be observed that, up to this time, nothing had been arranged as to the mode of conducting the inspection beyond the single point, settled by the acquiescence of the Committee of the House of Representatives, that the books should be submitted in person by the Committee of the Directors. No objects of inquiry had been announced by the Committee of Investigation, further than they appear in the resolution of the House under which the Committee was raised, and in the calls made for information, as to a great amount and variety of matters, as appears from the resolutions in the appendix. The correspondence which had taken place between the committees had been confined almost exclusively to the single ground of the course deemed proper to be pursued by the committee, to obtain possession of the books of the Bank.

On the arrival of the Committee at the banking house on the 7th of May, a call was made on the Committee of the Board, in pursuance of the following resolution:

May 7th, 1834.

Resolved, That the Committee will proceed to examine into the truth of the statement made by the Government Directors to the President of the United States and to Congress, and for that purpose will this day call for the production, for inspection, of the minute books containing the proceedings of the Directors of the Bank, and the expense books and vouchers for expenses incurred.

As preliminary to a reply to this demand, the following paper was read by the Chairman of the Committee of the Board:

May 7, 1834.

Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated, one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry; and whereas it appears, from calls made by the committee of Investigation, that they have proposed a very wide range, embracing, among other things, an extensive examination of the acts, transactions, accounts and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals as well as the Bank, and it it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests; and whereas, under these circumstances, it is the duty of the Committee, by all lawful means to protect the rights and sacred confidence entrusted to their keeping, and to yield nothing by consent which cannot be legally demanded from them; and whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules; therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected, and, if it be to establish a violation of the charter then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged, or supposed to be applicable.

Resolved, That, in the opinion of this Committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

The undersigned opposed the call above recited, made on the 7th May, for the production of books.—They feel themselves, therefore, called upon to explain briefly the considerations which influenced them. The undersigned have already stated that they conceived the committee, of which they have the honor to be members, to be clothed with a two fold power, and to be competent, or rather required, by the order of the House, to act in a two fold capacity. They were a committee of visitation, appointed under the 23d section of the charter. As such, they were authorized to visit the Bank, to inspect the books, and to examine into the proceedings of the Bank, and report whether the charter had been violated. They were, also, a committee of inquiry into the causes of the present commercial embarrassment and pecuniary distress, and into the corruptions, abuses, and malpractices of the Bank. In the former capacity, they had a right to inspect the books of the Bank. They had this right by the charter, and would not have had it without the charter. In the latter capacity, they had no right to inspect the books, unless voluntarily submitted by the bank, because the charter does not give them that right for such purposes. The Bank is obliged, by the charter, to submit its books to the inspection of a committee of visitation, authorized to report if the charter has been violated; and it is not bound to submit them to a committee of general inquest authorized to report on malpractices and corruptions. The right of inspection possessed by the committee, as a committee of visitation, cannot be used by it in its other capacity of a committee of general inquest and accusation, as an instrument of search after crimes and misdemeanors in general.

But the Directors of the Bank had been apprised, at the outset, by the Resolution of the House of Representatives of the 4th of April, that the committee was of a twofold character, as stated. That resolution distinctly enumerates, as objects of inquiry, not only violations of the charter, for which the books might be inspected, but various acts of mismanagement and corruption, for which they might not be inspected, unless voluntarily offered for that purpose. The Committee of Investigation had addressed various calls, by way of resolutions, to the Committee of

the Directors, touching matters concerning which the charter does not require the Bank to submit its books for inspection. The call of the 7th of May, on the last visit to the banking house, is for certain of the books of the Bank, "to enable the committee to examine into the truth of the statement made by the Government Directors to the President of the United States and to Congress." That statement embraces matters which neither are, nor are alleged to be, violations of the charter; and, consequently, in reference to which the Directors are not required to submit their books for inspection.

Had it pleased the House of Representatives to create two committees, one of visitation, under the twenty-third section of the charter, and one of general inquiry, under the power of the House to send for persons and papers, these two committees would not have been authorized to amalgamate nor interchange each other's functions. The committee of charter visitation would not have been authorized to engage in a general inquisition, nor would the committee of inquiry have been authorized to demand the books for inspection.

But to what avail has the charter limited the objects for which the books may be inspected, and protected the corporation, and those who transact business with it, from the annoyance and mischiefs of a general search, if a committee of visitation may be clothed with the functions of a committee of general inquiry; and, having got the books into their hands for one purpose authorized by the law, may use them for another purpose not authorized by law? It is plain that if this could be done, the limitation of the right of inspection would be illusory and worthless. In order to render the limitation efficient, the Committee of Directors required of the Committee of Investigation to specify the objects for which they demanded the books. For some objects the demand of the books was according to law; for other objects, not being bound by law to yield them, the Directors were at liberty to withhold them, or to submit them, according to their discretion. They, therefore, needed a specification, to enable them to discharge their duty under the charter, as well as to protect them in their rights; to enable them to distinguish, in the requisitions of the Committee of Investigation, how much was authoritative, under the statute commanding obedience; and how much, not being authoritative, they were at liberty to concede or to withhold.

There was the more reason in insisting on this right to make the limitation on the inspection of their books available, because, as has heretofore been observed, the inspection itself is in derogation of the natural rights of the citizen, who ought not, under any circumstances, to be obliged to criminate himself. It pleased the Legislature, regarding the corporation as their own legal creation, to require them, when accused of violating the fundamental laws of their existence—the provisions of the charter—to submit their books to a committee authorized to report on that fact alone. But to transfer this limited right of inspection to other committees for general powers of inquisition, and, for a general purpose of enforcing self-crimination, is illegal and inequitable. To do this by indirection; to clothe a committee of inquiry with the powers of a Committee of visitation, and thus to acquire a right to open the books for one object, and then to inspect them for another, would be to attempt to accomplish an end in itself unauthorized, by means peculiarly unwarrantable.

For these considerations the undersigned regarded the directors as justified in requiring of the Committee of the House a specification of the objects of their inquiry. The ground taken by the committee of the board is, as the House perceives, a ground of legal right, assumed by the directors, under the circumstances of the case. This is the third occasion on which the Bank has been visited by committees of the House. In the year 1818, a committee was appointed to examine the affairs of the Bank, then in disorder. The committee thus appointed was by the terms of the resolution, directed to report whether the charter had been violated, and the resolution consisted mainly of a specification of alleged violations. In executing their trust, however, the committee extended their inquiries to the general management of the Bank, and examined its President, other officers, and directors, on oath. To this course of inquiry, the Bank deemed it for its interest, to submit. The un-

dersigned are not aware, that any resistance was made to the demands of the committee. On the contrary, their report closes with the observation, that "it is due to the officers of the Bank at Philadelphia to state, that every facility in their power was rendered in explaining the books and assisting the researches of the committee." In one instance, in which an individual, a director of one of the offices, charged with malpractices, refused to testify, the committee observe, that they did not insist on his answering, and that they examined him chiefly to enable him, if he pleased, to exculpate himself. This committee did not confine their examinations to the officers of the Bank. They examined the Teller of the Bank of North America, and perhaps other persons. This circumstance, and the others mentioned, sufficiently show that no question as to the extent of the powers of the committee was raised during the visitation; that the witnesses appeared voluntarily; that the Bank deemed it for its interest to submit to the examination of the committee, in any form in which the committee thought proper to conduct it; and that consequently the whole investigation assumed the form of a parliamentary inquiry, conducted by the assent of the parties, and without any appeal to their rights.

The examination of 1832 assumed substantially the same character. The resolution, under which the committee was raised, consisted, as originally moved, of a large detail of alleged abuses, several of which imported no violation of the charter. The House adopted an amendment proposed to this resolution by a member from Massachusetts, (Mr. ADAMS) in the following terms: "*Resolved*, That a select committee be appointed to inspect the books and examine into the proceedings of the bank, and report thereon, and to report whether the provisions of the charter have been violated or not." This phraseology appears to have been derived from the commencing words of the report of the committee of 1818, which is in the same terms, and not from the resolution by which that committee was created, and which provides that a select committee be appointed, "to inspect the books and examine into the proceedings of the Bank, and report whether the provisions of its charter have been violated or not, and particularly to report" as to several matters, all, or nearly all, of which were alleged violations of the charter.

The amendment offered by the member from Massachusetts, (Mr. ADAMS) and adopted by the House, was offered on the ground that "the original resolution presented objects of inquiry not authorized by the charter of the Bank, nor within the legitimate powers of the House." But as it directed the committee to report generally on the proceedings of the Bank, as well as on violations of the charter, it was considered by its mover, and by many of those who supported the amendment, as authorizing an inquiry extending beyond violations of the charter. The right to constitute an inquiry of this kind was put upon the ground that the Bank was applying for a recharter, and could not reasonably decline it. At that time, as in 1818, neither House of Congress had assumed a hostile position to the Bank. Its directors, as the event proved, felt that they could rely upon the National Legislature to do them justice against any efforts which might be made to impeach their character or arraign their conduct. Applicants for a re-charter, they felt that they could not with propriety object to any latitude of inquiry which might be demanded by a House of Congress willing to grant a recharter, provided the result of the examination should be satisfactory.

Accordingly, the resolution, as amended, was understood to extend, not merely to alleged violations of the charter, but to all alleged cases of official misconduct; and, on the arrival of the committee in Philadelphia, the directors of the Bank, instead of placing themselves upon their rights, ordered the President of the institution to submit all its books and papers to the unconditional inspection of the committee, and to yield himself to an unreserved examination. The inquiry was pushed into every matter of alleged abuse, where it was supposed the Bank was most vulnerable. Nothing was spared; nothing was held back. Books and papers were submitted, and personal examinations on oath endured, although avowedly for the purpose of finding out, if it existed, matter of inculpation against the directors. The materials thus collected were spread before Congress

and the people, and a majority of both Houses of Congress united in the passage of a bill for rechartering the Bank.

The President declined giving effect to the will of Congress, and the bill failed to become a law. The whole influence of the Executive was exerted to the prejudice of the institution, and the voice of the Administration press was raised against it, with a concert and vehemence rarely equalled.

Doubts of the safety of the public deposits were now suggested, and these doubts received some sanction from the message of the President at the opening of the second session of the last Congress. An Executive agent was appointed to investigate that subject, and the Committee of Ways and Means, of which a majority was composed of members friendly to the administration, engaged in the same inquiry. The agent and the committee reported in favor of the solvency of the Bank, and the House of Representatives, by a majority unexampled on such a question, resolved that the public deposits could be safely continued in the Bank of the U. States.

Notwithstanding this vote, the President took immediate measures to transfer the deposits to the State Banks. The character of these measures is known to the House. The undersigned think themselves safe in saying that it was such as to cause the directors of the Bank the greatest possible inconvenience and anxiety. They were regarded as men guilty of the most criminal malpractices, and justly obnoxious to the severest treatment which it was in the power of the Executive to inflict. To all that was officially done, was superadded an unbroken strain of denunciation from the Government press, and threats of a purpose to break those branches of the Bank which were supposed to be feeble. At length, without previous authentic notice, the deposits were removed, a short time before the assembling of Congress. A majority of members had been elected to the House of Representatives, in part previous to the adoption of this measure, who appeared disposed to sustain the President in the policy he had adopted. By this majority, resolutions were passed expressive of their opinion that the Bank ought not to be rechartered, and that the deposits ought not to be restored. These resolutions were adopted after a protracted debate on the general merits of the controversy, in which, on the part of those who sustained the President, the most unwarrantable designs and the most corrupt practices were freely ascribed to those entrusted with the direction of the Bank.

It was under these circumstances that the commission of inquiry into the affairs of the Bank was instituted. As far as that inquiry was of a character in which the Bank was, by the charter, bound to co-operate, by submitting its books for inspection, the directors have fully recognised their obligation to do so; but the undersigned confess they perceive nothing in the circumstances that preceded the inquiry which could furnish an inducement to the Bank to go further than the law requires of them. By the Executive Government, and the majority of the House of Congress, their case had been adjudged. The laws which the wisdom of two former Congresses enacted for erecting United States' Banks, and of which every department of the Government, under every administration but the present, has recognised the validity, have been declared unconstitutional. The present inquiry was not needed to ascertain if the deposits should be removed; they were removed many months before. It was not needed to ascertain whether they could safely be restored; the House that institutes it has resolved that they ought not to be restored. The Secretary of the Treasury is left, without the instructions of the House, to deposit the public funds in any other Bank he may please to select, but the House of Representatives has resolved that they ought not to be deposited in the Bank of the United States. Although the last Congress, by majorities of both Houses, decided that the Bank ought to be rechartered, and the next Congress may be of the same opinion, the present House of Representatives has resolved to the contrary, and therefore, the inquiry was not needed to guide its judgment in the recharter of the Bank. Various misdeeds are imputed to those who direct the Bank, but supposing their detection the object of the investigation, every principle of justice forbids a mode of inquiry, beginning and proceeding in self-crimination. The only other legitimate object which the undersigned can think of, is that of collecting information to guide the judgment of the House in the ques-

tion of a new bank, to be established on the ruins of the present institution. The directors of the Bank, in the opinion of the subscribers, may be safely expected, on all occasions, to do the duty of public spirited men to their country; but no principle of public duty fairly calls upon them to go further than the law requires them, in making themselves the subjects of a criminatory inquisition, with a view to build up an institution to discharge that public trust to which they have been declared unfaithful, by those instituting the inquiry.

It is also to be recollected that two years had scarcely elapsed since the former inquiry, on which the Directors of the Bank had not attempted to impose any limitations; and that inquiry had resulted so entirely to the satisfaction of the two Houses, that they passed a bill for renewing the charter of the Bank. It requires no words to show that such an examination must be highly inconvenient to the officers of the Bank, and incommode them in the orderly discharge of their duties. Still graver inconvenience may be expected to result from the effect on the public mind, in reference to the Bank, which may be produced by the recurrence of such visitations. In the progress of the controversy waged with the Bank, a few new matters of detail may perhaps have been alleged against it since the report of the former Committee, but many of the matters of general inculcation now brought forward are those sited to the bottom by that Committee, and none of them possess a novelty and importance, furnishing, in the judgment of the undersigned, an equitable ground for a new investigation. Is there to be no end to visitations? The House has the undoubted right to institute them as often as it pleases—every year, and every month; but if they are multiplied unreasonably, the Directors of the Bank, as it seems to the undersigned, are not to be blamed if at length they put themselves upon their rights, decline to become voluntary parties to these investigations, and submit to them only as far as the charter requires.

These considerations led the undersigned to the opinion that the Committee of the Directors of the Bank were justified in the course adopted by them on this occasion. If, on a question of law so grave and delicate, the Committee of the Directors should have come to an erroneous conclusion, (which the undersigned, however, do not admit to be the case) it would seem an undue severity to consider and to treat such error in judgment as a contempt of the authority of the House.

6. This reflection leads the undersigned to a few observations on the various calls for copies or portions of the books, statements, documents, abstracts, and other papers, which, at different times, were made on the Bank by resolutions of the Committee. These resolutions were numerous, and covered a wide range of inquiry of the most miscellaneous character. A portion of them are believed to call for documents, in whole or in part, already communicated to Congress, and published; another portion relating to matters which could not be stated without great labor of compilation, and a resort to sources of knowledge not necessarily nor officially in the possession of the Bank. Some of the calls referred to matters with respect to which no desire of concealment could, on any hypothesis, be imputed to the Bank; others related to concerns (as the undersigned will presently show) involving the highest confidence of individuals, and not to be divulged, except under legal compulsion, without the grossest breach of faith.

The answer of the Committee of the Directors to these requisitions was in the following terms:

Reso ved, That the Board do not feel themselves at liberty to comply with the requirement of the resolutions of the Committee of Investigation of the 29th ult. and 1st instant, and do not think they are bound to do so, inasmuch as, in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and *ex parte* examination, which they have already refused to consent to; and as to the other part, they relate to matters over which the Board have no control; and if they could overcome these objections, and had the power over all the papers, still it would be impossible for them to comply within any reasonable time, having ascertained, by a careful examination, that the copies and statements called for by the resolutions of the 29th ultimo, alone, would require the uninterrupted labor of two clerks for at least ten months, to make them out, and that the remaining resolutions, so far as they concern matters not beyond the reach of the

Board, would require great additional time, which they are not able exactly to compute, without causing, what they fear would be an inconvenient delay to the Committee of Investigation; and they take it for granted that it would no more comport with the views of the Committee of Investigation to wait till so distant a period, than it would with the rights of the Bank, to have such a burden imposed upon it.

It the application of the Committee of the House be regarded, according to its terms, as a mere request, it was of course competent to the directors respectfully to decline a compliance with it. It can be no contempt of the House, nor even matter of complaint or ground of prejudice, that any request, which is merely such, is respectfully declined by the party to which it is addressed. But the Committee of the Directors appear to have regarded it as a matter of duty, not to return a naked refusal to the requisition of the Committee of Investigation. The reasons of this refusal are stated, and they appear to the undersigned to be valid. Reference to the resolutions in the appendix will enable the House to judge of this matter. The reasons, as has been seen, are, that to comply with a part of these resolutions would be, in effect, to copy or abstract an essential part of some of the books of the Bank, in order to their being made the subjects of a private and *ex parte* examination; a measure so much the more objectionable, as it would add the inconvenience of preparing the copy to all the other evils incident to such inspection. Another portion of the calls related to matters of fact, in no way appearing on the books of the Bank, and not to be ascertained but from sources of information no more accessible to the directors than to any other individual. These objections were, of themselves, particularly the first, decisive. In addition to this, it appeared, from a careful examination, instituted for that purpose, that the answers to the first series of calls could not be prepared without the uninterrupted labor of two clerks for at least ten months.

The undersigned are unwilling to take up the time of the House by a particular examination of each of the resolutions, but they feel themselves required to express their opinions of a portion of them. They will refer first to those which call for information touching the transactions of members of Congress with the Bank of the United States, and the correspondence of members of Congress with officers of the Bank.

One of the resolutions alluded to is in the following terms:

"Resolved, That the President and Directors of the Bank be requested to furnish the committee with copies of all correspondence between the President of the Bank or any of its officers and members of Congress, or of unanswered letters received from any one of them since the first day of July, 1832, touching the renewal of the charter of the Bank, the removal or restoration of the public deposits, or touching the business transactions of such members with said Bank."

Another of the resolutions alluded to is in the following terms:

"Resolved, That the President and Directors of the Bank be requested to furnish this committee with a detailed statement of all loans made since the 1st of January, 1829, to individuals, who then were, who have been since, and who now are members of Congress, stating the amount of each loan, when the same was made, for what term the security was given, and the time when such security was received; and also the security which the bank now holds, and the amount now owing by any and each of such borrowers, or other person for the benefit of such borrowers, at the Bank, or either of the branches; and stating, also, the particulars of any such loans, which have been protested, or which are now under protest, and the names of the parties to any such debts; also the names, if any, of any such persons, whose notes have been renewed after the same had become due and not protested, or renewed, with the names of individuals, parties to said renewals, whose notes were under protest at the time such renewals were made; and also, whether, such loans in each case were made by the directors or otherwise, and by what authority."

The undersigned suppose it impossible to mistake the general purport of calls like these. From their minuteness of specification, they may be supposed to aim at particular individuals. Of any such reference the undersigned are without accurate knowledge; and nothing is further from their design than to impute to their respected colleagues the pursuit of any unparlia-

mentary or improper object. They cheerfully concede to them what they claim for themselves, to have acted with a single eye to public duty, in their apprehension of it. But the undersigned are free to confess, that they regard the undeniable purport of resolutions like those repeated, as highly objectionable. They seem to them to convey a general insinuation out of place, above the region of the partisan press. The charge suggested is that of bribery and corruption, so common as to authorize a general search. This is a crime, unquestionably, which may, if sufficient grounds exist, be rightfully charged on any Director of the Bank, or member of Congress; but which the undersigned regard as far too serious to be thus charged without such strong grounds of presumption. It is true that it might seem gratuitous, in the undersigned, to be over forward in repelling such a charge. In the existing division of parties, they and their political friends are not found on that side of the House which it was necessary for the Bank to buy or bribe. The honorable and highminded men who compose the majority in the House, politically attached to the Administration, and opposed to the Bank, do not need the aid of the undersigned to show the injustice of a general imputation upon their characters. But something unquestionably is due to the general reputation of the two Houses of Congress. If individuals are, on clear grounds, suspected of being thus corrupted; if the Bank, on reasonable grounds, is suspected of this highest breach of privilege, let the individuals criminated be named; the charge be stated in form; the culprit brought to the bar of the House; and the guilty punished. But let not the whole body of both Houses be involved in one indiscriminate and odious, because vague and anonymous delation.

As for the call for the correspondence of all members of Congress with the Bank for the last two years, and particularly for copies of all unanswered letters, the undersigned could not but regard it with painful feelings. Public life, already sufficiently discredited by the fierceness of party warfare, will cease to be a pursuit for those who have not lost all taste for the social charities, if the sanctuary of private intercourse and private correspondence is to be invaded at pleasure, and every letter, answered or unanswered, which may have been written by an individual who has the misfortune to be a member of Congress, (for a great misfortune under such circumstances it would be,) is subject to be brought up by the drag-net of a general search. It was declared by Mr. Dunning, in the famous case of Money and others against Leach, that "to ransack private studies, in order to search for evidence, and even without a previous charge on oath, is contrary to natural justice, as well as to the liberty of the subject. To search a man's private papers, *ad libitum*, and even without accusation, is an infringement of the natural rights of mankind." (3 Bur. 1762.) It was not the least detestable of the cruel violations of justice and law which brought Sidney to the block, that he perished in consequence of the discovery of a manuscript political treatise, brought to light by a general search among the papers in his cabinet.

The undersigned perceive no more right in a Committee of this House to call for the letters which may have been written by a member of Congress to an officer of the Bank, on the subject of a renewal of the charter, than to call for his letters to any other person on any other subject. Undoubtedly it is conceivable that such a letter might become legal evidence, in a process of attachment, for breach of privilege, and in that case might be called for and used. So might any letter in any criminal cause. It is conceivable that a man's letter to his wife or child might become legal evidence in a capital trial; and in that case, if it were in the possession of a third person, the court would compel its production. But the undersigned are of opinion that a general warrant to compel the production of all the letters which may have been written by a class of individuals for two years, in order to a search of the same, with a view to the institution of a criminal prosecution against the writers, or receivers, is now for the first time attempted to be made, in virtue of the authority of a parliamentary body.

It is one of the infirmities of our nature, that, in the ardent pursuit of ends, which, as individuals or members of a party, we think justifiable, we sometimes go far beyond the line of justice, as we should understand it in our own case. To those who, in the ardor of a protracted controversy, have become wrought up to the belief that the Bank and all its officers are one

great engine of corruption, and those who have defended its chartered rights and maintained its usefulness, in and out of Congress, a band of mercenary stipendiaries, it may seem a very just and proper demand that the confidence of their private intercourse should be violated, their business transactions stigmatised with corruption before the world, and their private correspondence spread on the journals of a Committee of the House, and, at their discretion sent to the newspapers. But if, pausing a moment in the career of party, they will make the case their own; suppose themselves at the mercy of those now in the minority, wielding against them the entire authority of the House, sending its committees to unlock their closets, and requiring the production of every letter they may have written on public affairs for years, they will probably form a new conception of the light in which the calls now under consideration are regarded by those against whom they were aimed, if any such there be.

The undersigned would make a reflection somewhat similar, in reference to the call for the amount of fees paid to counsel for legal advice given to the Bank, and the accommodations received at the Bank by editors and publishers of newspapers and periodical works. It will not be denied that there is an imputation of corruption in calls like these; for it cannot be pretended that, merely as a part of the business transactions of the Bank, the sums which would fall under these heads, in any estimate, however extravagant, of their amount, could be of any interest to Congress.—Why, then, are they singled out? There is, of course, in collecting the vast amount of debt constantly falling due to the Bank, and in carrying on its large concerns, continual need of legal advice and professional service. Is it disreputable to seek this advice and service, and, having received them, to pay for them? Is the profession of the law fairly obnoxious to the stigma, which the resolution implies, on those of its members who transact the business of the Bank? Are mere partisan insinuations, fabricated with all the levity and cruelty of an unscrupulous press, sufficient ground for the virtual denunciation and proscription of a whole profession? The undersigned forbear to insist on the protection which the law gives to the intercourse of lawyer and client, and which, they believe, would protect the Bank from this search into the relations which exist between it and counsel employed in transacting its business.

Nor do the undersigned think the profession of editors and publishers, of right, more obnoxious to the imputation of corruption, on the ground of business transactions with the Bank. The nature of their business requires bank accommodation as much as any other. The undersigned do not perceive that they are more likely than any other class of citizens to be corruptly influenced by the accommodations they receive. If they were, it is doubtful, as matter of fact, whether, with an exclusive eye to the accommodations afforded by all the banks in the country, and to the influences under which they are dispensed, it would be a better calculation at the present day, to defend or to attack the Bank of the United States. One thing is certain, that the editor who defends the Bank of the United States may be considered free from the suspicion of having an eye to political patronage, a source of corruption, when abused, as powerful, to say the least, as the favor of a mere moneyed institution.

7. But the undersigned hasten to express their views on the last step which was taken by the committee towards the discharge of their duty; in many respects, the most important of all. On the 9th day of May, a copy of a process, somewhat the character of a *subpoena duces tecum*, and which may be seen in the appendix, No. 47, addressed to B. S. Bonsall, Marshal of the eastern district of Pennsylvania, was served upon Nicholas Biddle, President, Emanuel [Manual] Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Cox, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, Directors of the Bank of the United States, commanding the said Bonsall to summon them to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said bank, on the 10th day of May instant, at the hour of 12, M. then and there to testify touching the matters enumerated in the said resolution, and to submit said books to said committee for inspection.

The undersigned entertained, and still entertain,

great doubts of the legality of this process. The inquiry alluded to in the process is, among other things, into "the abuses, corruptions, and mal-practices of the Bank," that is, the crimes and misdemeanors of its officers and directors; and the process just recited is intended to be a summons to a majority of the directors and the chief officer of the Bank to appear and testify, as individuals, to the matters of that inquiry; that is, to their own crimes and misdemeanors, with a view, as the resolution of the committee expressed it, of inquiring "whether such prosecution (viz: a criminal prosecution) should be instituted." The undersigned have already argued at length, and attempted to show, that the power reserved in the charter, of sending a committee to inspect the books and examine the proceedings of the Bank, and report whether its charter had been violated, conferred no right of compelling the production of the books out of the Bank, and the appearance of the directors, to submit to an examination on oath as to their innocence or guilt, of the unspecified crimes and misdemeanors laid to their charge. In like manner the undersigned have expressed their decided conviction that the general power of inquiry possessed by the House can have no rightful extension to a case like this. It follows, by necessary consequence, that no process, having for its object to compel the directors to appear before the committee, and bring with them the books of the Bank to be inspected, and to testify touching the matters of such an inquiry, could be legal. The object of the process was unauthorised by law.

Incident to this fatal objection to the process, is another not less so. A *subpoena duces tecum* is a process, not issuing to the party criminal or implicated in the trial, or interested in the suit, but to a third person to appear and bring with him any paper in his possession, which may be lawfully used as evidence in the trial or suit, without prejudice to the person summoned, or his title. The process of the committee was intended to be addressed to those whose abuses, corruptions, and malpractices were the subjects of inquiry; and the books they were ordered to bring with them, were to be used in their own criminalization.

The form of the process, and its mode of service, are believed by the undersigned to be not less objectionable than its object, and equally fatal to its legal character; but on this topic they omit to dwell.

Notwithstanding the strong objections to its legality, the persons to whom it was addressed, individuals unsurpassed by probity, intelligence, and weight of character in the community, treating it with respect due to the House of Representatives, obeyed its call, and appeared before the committee, at their chamber in the North American Hotel. Their answer to the summons was communicated in writing, and appears among the documents as paper No. 48. They state therein, that they do not produce the books of the Bank, because they are not in the custody of either of them, but in that of the Board of Directors.—By the Board, it will be recollected, the books had been confided to a committee of their number, to be by them submitted to the Committee of Investigation. If it were the purpose of the Committee of the House to address their process to the party having the actual possession of the books, it would seem that the Committee of the Directors was that party delegated by the Board, and recognised throughout the transaction as their agent, by the Committee of the House. If, on the other hand, it were intended to address it to the party to whom the books ultimately belonged, it would seem that it should have gone to the Corporation.

The written answer of the Directors (after stating their ignorance, whether they should be called on to testify,) expressed a purpose not to testify to the matters of the inquiry, in consideration of the character of the inquiry, and their own relation to it, as corporators and directors. But as none of the persons summoned were required by the committee to testify, no actual refusal to testify took place, and consequently no contempt (supposing an actual refusal would have been such contempt, which the undersigned do not admit) was committed by the Directors against the authority of the House.

The undersigned are aware that, supposing the process valid in its object, substance, form, and service, it was matter of indifference, as far as the question of right is concerned, what book or books the Directors were required by it to

produce. But they cannot but express the opinion, that a demand for the credit books of the Bank, showing the accounts of every individual with the institution, was the last which, in a tender regard to the rights and feelings of third persons, it would have been expedient to make.

So sacred is the confidence of individuals dealing with the Bank, that the charter exempts the state of their accounts from the weekly inspection, which the Secretary of the Treasury is authorized to make; and the by-laws, which have been in force from the foundation of the institution, forbid a director, without special authority, to inspect the cash account of individuals. To require the Directors to take from the banking house, convey through the public streets, and open for inspection in the chamber of a hotel, the book containing the account of every individual with the Bank, would seem to indicate the purpose of putting to the severest test, the power of the House, the obedience of the Bank, and the patience of innocent third parties, whose vital interests might be jeopardized in this procedure.

The previous demands of the committee, having assumed the form of requests, could only be objected to in their spirit and tendency. Their is nothing which a committee authorized to inquire, may not request, because there is no request, which, as such, may not be refused. The law knows nothing of requests; their refusal puts no one in contempt. But the process now under consideration, assumes the form of a legal and compulsory instrument, authenticated by the seal of the House, and the signature of the Clerk. Obedience to such an instrument, (if it is lawfully issued) can be compelled against all obstacles and opponents, and those who maintain its legality, must maintain the power of enforcing it. How shall it be enforced, in case it be disobeyed and resisted? Shall the Sergeant-at-Arms, be sent to attach the Directors? Shall they be brought prisoners to the seat of Government, and the bar of the House, attached for refusing to produce and bring their books to the North American Hotel, and for avowing a purpose, (which was not put to the test) not to submit to an examination on oath, touching their own crimes and misdemeanors? A satisfactory answer, consonant to reason and justice, and grounded on the Constitution and laws of the United States, must be found to this question, by all persons who maintain the validity of the process, issued by the committee. That such a process is no *subpœna duces tecum*, is obvious, from the fact that it is addressed to the parties implicated. It is no process in chancery, requiring a party to produce his books and papers; for its avowed object is to inquire whether "a criminal prosecution shall be instituted;" an object for which the chancellor will require no man to produce his papers. Unlike any of the processes known to the humane jurisdiction of the present day, it is, in their most odious features, identical with the general warrants of the dark ages of English liberty, and the writs of assistance which first kindled the spirit of resistance in the American Colonies. It is a compulsory process, to compel the good people of the United States to produce their books and papers, and submit them to general search in proof of crimes, not charged, but suspected; to be enforced by attachment, imprisonment, and infinite distress;—a search of books, a search of papers, a search of accounts, a search of letters, and an examination on oath of the persons implicated, touching the matters whereof they are suspected. In what does such a warrant differ from those which were issued under the First Charles and the Second James, for which, among other things, Scroggs was impeached; and which the House of Commons, in

1763, after full argument, solemnly resolved to be illegal? Illegal for a Court of King's Bench in 1684, illegal in the judgment of the House of Commons in 1763, the undersigned are slow to believe that an American House of Representatives, in 1834, will be found to assert, or an American citizen to admit their legality.

In conclusion, the undersigned would observe that neither of them gave his voice for the resolution creating the committee, nor deemed the inquiry, in many of its objects, necessary or proper. They hope it is not improper to add the expression of the opinion, that, had the attention of the House been particularly drawn in debate to the terms of the resolution, it would have received some modification; and that it is owing to its passage under the operation of the Previous Question, and without any examination of its details, that it received, in its present form the sanction of the House. Being, however, placed on the committee, the undersigned were desirous of discharging their duty as members of it, under the order of the House, to the best of their ability, and according to their understanding of the rights of the Corporation visited—the powers of the House, and the principles of justice. They were desirous of taking up the various matters of inquiry enumerated in the resolution, viz: the causes of the distress, the alleged violations of the charter, and the imputed corruptions of the Bank, one by one; of considering them in the order in which they are arranged by the House; of investigating each according to its nature; of inspecting the books and examining the proceedings of the Bank according to the charter, that is, in reference to all objects which, by the charter, are properly subjects of such inspection and examination; or in regard to which the Directors might voluntarily submit them for inspection; and of inquiring into the other matters referred to them, as far as, on consideration, they should deem the committee competent to do so.

Of all these objects, the undersigned confess that they regarded that which stands foremost in the resolution as vastly the most important; an inquiry into the causes of the present distress. It was their firm persuasion that the country demanded this enquiry of Congress. A number of memorials and subscribers to them, greater by far than have at any former period come before Congress, invoked the aid of the National Legislature to relieve them from a state of unexampled distress. An embarrassment unusually extensive and severe, and not yet essentially alleviated, demanded an inquiry into its causes. It was alleged, on the one hand, to be wantonly produced by the Bank; and, on the other, to be the unavoidable consequence of the financial policy pursued by the Executive. The undersigned wished to make this the first, as it was infinitely the most important object of their investigations; to receive the testimony of enlightened merchants and men of business, in the intelligent community to which they were sent, (who might be willing to appear before them,) as to the extent and causes of distress; to receive from the Bank those statements of its affairs, which they are well persuaded it would most cheerfully have afforded, and which would have illustrated its whole course in the difficult and trying position into which it has been thrown; and from all other persons, on whom the committee would have had a right to call, their testimony as to the manner in which this measure of the Executive has been taken up and carried on. Such an examination, the undersigned believe, would have been useful to Congress, satisfactory to the people, and powerfully efficient in leading to the removal of heavy burdens now lying on them. This object first accomplished, as it was the first in the pre-

cept of the House, the undersigned would have proceeded to consider the violations of the charter; and as the resolution of the House does not confine the inquiry to those violations with which the Bank has been charged, they would have deemed themselves authorised to extend their researches to those of which the Bank complains, particularly to the removal of the deposits for reasons not deemed satisfactory by Congress, as now appears of record on the journal of one of the Houses of Congress. If, after these inquiries had been gone through, it had still appeared, on considering the other matters comprehended in the resolution, that they required or admitted further investigation, the undersigned would cheerfully have co-operated in the work, resorting to every source of information, legally available, as far as the same could be by the charter, be required from the Bank, or legally received or compelled from any other quarter. If, in the progress of such an investigation, so conducted, disclosures had been made of matter requiring or authorizing any further procedure on the part of the House, the undersigned would not have been behind the most zealous of their associates, in denouncing it to the House and the country. A different view of their duty was, however, taken by their colleagues, resulting in a series of measures, from which the undersigned unfortunately found themselves obliged to dissent.

But while there was a form, in which the undersigned were prepared to meet every part of the resolution under which the committee was raised—the form most consonant to the wants and wishes of the country, (to which all other matters of party crimination are insignificant, compared with the great question of the causes, the just responsibility, and the remedies of the present sore distress)—the form unquestionably in which the resolution was viewed by one considerable class of those who voted for it in the House—the undersigned freely admit, that, in the range and character proposed to be given to the inquiry by their colleagues, the majority of the committee, the purpose of the majority of the House was not mistaken. They think that no candid person, contemplating all the circumstances of the case, from the first demonstrations of a policy on the part of the Executive hostile to the Bank, down to the recent measures, in support of that policy in the House of Representatives, will deny that its object was the overthrow of the institution, and the impeachment of its directors before the bar of public opinion, if not before that of the judicial tribunals of the land, of gross malpractices, corruptions and frauds; and that the inquiry to be conducted by the committee, of which the undersigned composed the minority, was proposed to be one of the measures to promote that end. So far from this being denied, the undersigned understand it to be not only admitted, but claimed as a merit, on the part of the friends of the present Administration of the National Government.

How was it natural that such an inquiry should be met by the Bank, or rather by those who have been entrusted by the stockholders with its direction? The Bank is a legal abstraction. To charge the Bank with bribery and corruption, is to use words which have no accurate meaning, true or false. The party implicated is the director and officers; men of character; men known to the community as some of its most useful members and brightest ornaments; men of probity, unimpeached in private life. Some of them are merchants, whose word, in the most important transactions, would be deemed as good as their bond; and others are professional characters, who adorn the highest tribunals of the country. These are the party implicated—charged with a most cruel and peridious design to bring universal distress upon the country, for the

sake of paltry selfish ends; and to promote these ends, further charged with corrupting the conductors of the press, corrupting the people in the exercise of their elective franchise, and corrupting the members of Congress. Are honest and honorable men, charged with these odious misdemeanors, to submit to the charge with a murmur; to acknowledge the reasonableness of making it; the expediency of investigating it, all vague and unspecified as it is; the reality of a *prima facie* case against them? Does conscious innocence require them to admit that there is ground of suspicion? Does the strong and indignant feeling that their characters are outraged, while their rights are invaded, call upon them voluntarily to take the culprit's place, and endure the ignominy of what they deem an uncalled for and a vexatious inquisition? Or is it not rather the natural dictate of proud and conscious innocence to take place themselves upon their rights beneath the aegis of the law? If I go to my neighbour, as honest a man as myself, and say, "you are a swindler and a knave," shall he meekly ask me to enter his house, lay open his ledger and his letter book, and invite me to collect the materials out of which I may prejudice the public against him? The directors of the bank are citizens, as honest and as virtuous as any of those in office or out of it, high or low, who charge them with corruption. A good name is as dear to them as to their accusers. Their stake in the welfare of the country is as great. The success with which they have conducted affairs of the great institution entrusted to their care, is not matter of opinion; it is notorious to all the world. At this moment, notwithstanding the fearful warfare waged against them by almost every branch of the government of their own country, their credit is as good at London and Paris, as that of the bank of England or France. At this moment, in the remotest East, in the markets of China, where the silver coin of the country, from the public mint, is undervalued, the paper of the bank of the U. States is an acceptable currency. In the midst of its career of usefulness, it has been, unfortunately for the country, drawn into the field of political controversy; its directors and officers vilified by name, their most laudable measures misrepresented, their most innocent acts calumniated, and their slightest errors of judgment tortured into corruptions and crimes; above all, the severe distress, with which the country has been visited, for the sake of carrying on this warfare, has been cruelly imputed to the wanton action of the Bank, though struggling for its own existence against the most formidable efforts to crush it. The calm and dignified tone which characterizes the communications of the Committee of Directors, under circumstances like these, is, to the undersigned, a satisfactory indication of their integrity and conscious purity. They have placed themselves where, as American citizens, conscious of their rights, of their injuries, and of their innocence, they had a right to place themselves, under the protection of the law.

Firmly believing that they are innocent of the crimes and corruptions with which they have been charged, and that, if guilty, they ought not to be compelled to criminate themselves, the undersigned are clearly of opinion that the directors of the bank have been guilty of no contempt of the authority of this House, in having respectfully declined to submit their books for inspection, except as required by the charter.

All which is respectfully submitted by

EDWARD EVERETT,

WILLIAM W. ELLSWORTH.

House of Representatives, 22d May, 1834.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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PHILADELPHIA, JUNE 7, 1834.

NO. 335.

LAND TITLES.

(Continued from Vol. xii. page 363.)

When the Land Office was about to open for the lands purchased in 1768, the following advertisement was published for general information.

Advertisement.

The Land Office will be opened on the third day of April next, at ten o'clock, in the morning, to receive applications from all persons inclinable to take up lands in the new purchase, upon the terms of five pounds sterling per hundred acres, and one penny per acre, per annum, quit rent. No person will be allowed to take up more than three hundred acres, without the special license of the proprietaries, or the governor. The surveys upon all applications are to be made and returned within six months, and the whole purchase money paid at one payment, and patent taken out within twelve months from the date of the application, with interest and quit-rent from six months after the application. If there be a failure on the side of the party applying, in either procuring his survey and return to be made, or in paying the purchase money, and obtaining the patent, the application and survey will be utterly void, and the proprietaries will be at liberty to dispose of the land to any other person whatever. And as these terms will be strictly adhered to by the proprietaries, all persons are hereby warned and cautioned, not to apply for more land than they will be able to pay for, in the time hereby given for that purpose.

By order of the governor,

JAMES TILGHMAN.

Secretary of the Land Office.

Philadelphia, Land Office, Feb. 23, 1769.

N. B. So long a day is fixed, to give the back inhabitants time to repair to the office.

At a special meeting at the governor's, on Wednesday, the 25th day of January, 1769, previous to issuing the above advertisement, present, the governor, Mr. Hamilton, the Secretary, Mr. Tilghman, Auditor General, Mr. Hockley the Receiver General, Mr. Physic, the Surveyor General, Mr. Lukens. The Board, assisted by Mr. Hamilton, took into consideration the terms on which the office should open for the late new purchase, and are of opinion that the application plan in general be continued, but are of opinion, that there should be some alteration as to the time of returning the surveys, and paying for the land, and taking out patents, which is referred to further consideration.

It appears by the advertisement above, that no alteration was made as to the time of surveying, and patenting; nor was the limited period, in either of the purchases, or under previous warrants, either as to surveying, or patenting, ever, generally regarded by the people. They were indulged from time to time. As to the proprietaries, no forfeitures were insisted on; and by various proclamations and advertisements, after the respective periods, any forfeiture may be presumed to have been waved, by demanding the performance of the terms or conditions. And on the 25th of April, 1774, by a notice, which is filed in the Surveyor General's office, it is stated, "That as the several deputy surveyors propose giving due attendance in their respective districts throughout the province the present summer all

persons who have entered applications for land, and have not got them surveyed, are hereby desired to attend the deputy surveyor, in whose district the land may be, show the same, pay the charges of surveying, in order that the same may be returned into the Surveyor General's and Secretary's offices, in order for patenting (agreeably to an advertisement lately published by the Secretary of the Land Office.) By order of his honour the governor.

JOHN LUKENS, *Surveyor General.*

But as it concerned the people themselves, a new doctrine necessarily arose out of this state of things, which will be considered in its order. Where surveys were not made in a reasonable time, without confining it to the six months, a principle has grown up, which may be termed a *constructive* abandonment of an inceptive right to land. An actual intentional abandonment, it would not be in one case out of a thousand, and the law itself has been declared upon the active pursuit of the claim, when, after the presumed abandonment, other rights have been fixed. This doctrine was essential to the settlement of a new country. But when the survey was duly made, the principle would not apply; no one would be deceived; the land could not be considered as vacant, and unappropriated, and any neglect in perfecting the title was a matter solely between the proprietaries, and the holder of the warrant, or application, with which, third persons, who were not injured, had nothing to do.

It will be observed, further, that there are several marked distinctions between the applications of 1765, and 1766; and the applications or locations of 1769. In the first, it was an immediate application, and direct grant of the land, on a new plan to be sure, but claiming priority from the time of application; and they were numbered as they came in. But the locations of the third of April, 1769, (for there were many before and after that day, which did not fall within the rule,) were contingent; they were lottery tickets, and many of them were to draw blanks. Applications or locations were admissible, and were received, for the same spots of land, from different persons, under various, or similar descriptions. They were not numbered as delivered, but received their number and priority, by the chance of a lottery.

The settlement system could have no operation; (except on one particular line of the purchase under peculiar circumstances, which were provided for.) The lands had been purchased but a few months preceding from the Indians; settlements or improvements thereon were illegal; nor could any settlement have been made, with any effect, in the winter season, between the purchase, and the time of opening the office. All equitable circumstances were therefore out of the question; the chance was equal to all; and any attempt to obtain a preference, by cutting a few trees under the misapplied name of an improvement, would have been a fraud upon the adventurers in the lottery, and could not justly be entitled to any preference.

Preferences, however, there were previous to opening the office; and to a very considerable extent, of the choicest lands. One of the inducements to the purchase of 1768, was the accommodation of the officers of the provincial regiments, who had served during the Indian

campaigns, and were desirous (as they represented,) to settle together. One hundred and four thousand acres were appropriated for this purpose; 24,000 of which quantity were for the benefit of the officers of the first and second battalions. Large preferences were also given to individuals. These were called special grants, and were excepted out of the lottery. The officers' lands, proprietary reservations, and special grants, a few instances excepted, were surveyed and appropriated previously to opening the office; and so notoriously done, as to prevent any deception on the people, who of course avoided these surveys in the descriptions of their locations.

Every thing was therefore prepared for opening the office on the day appointed; the plan was finally adopted, and notice given of it. This plan forms the heading of the book of locations, and the locations follow it, in the order in which they were drawn and numbered; each number containing the precise description.

"The third day of April, 1769, being appointed for opening the Land Office for the new purchase made at the treaty of Fort Stanwix; and it being known that great numbers of people would attend ready to give in their locations at the same instant, it was the opinion of the governor, and proprietary agents, that the most unexceptional method of receiving the locations, would be to put them altogether, (after being received from the people) into a box or trunk, and after mixing them well together, to draw them out and number them in the order they should be drawn, in order to determine the preference of those respecting vacant lands. Those who have settled plantations, especially those who settled by permission of the commanding officers, to the westward, were declared to have a preference. But those persons who had settled, or made what they call improvements, since the purchase, should not thereby acquire any advantage.

"The locations, (after being put into a trunk prepared for the purpose, and frequently well mixed,) were drawn out in the following order by an indifferent person."

As the owners of the locations in a great number of cases, made use of other names than their own, it was common to indorse the list given in, with their own names. This circumstance, and the hand writing in the body of the location have frequently been considered as of importance; and have, more than once, decided the right to the land against the nominal locator.

In taking leave of the proprietary regulations, and before we come to consider the legal effect and operation of all that has preceded, it may be necessary to observe, that notwithstanding the terms of the advertisement of June, 1765, warrants continued to issue, upon improvements, and for lands adjoining improvements, or old surveys; and applications were adhered to only where improvements were not certified. But warrants did not issue for lands in the new purchase until after 1772, or in some part of that year; and when the warrants were there introduced, and at the same period elsewhere, it was generally the practice to pay the whole purchase money at the time of the warrant being granted.

A great mass of property in Pennsylvania is held, by what is called an equitable title; that is, where, the purchase money being unpaid, no patent has issued. It was necessary therefore, to recognize this kind of title, as sufficient to support an ejectment. Originally, however, a different opinion prevailed; and the change in the practice can be collected from the following cases.

Lessee of Patrick Campbell and others v. Lear, Dauphin, October, 1796, before Yeates and Smith, justices, MSS. Reports. Ejectment for lands in Derry town ship.

It appeared in evidence, that David Campbell, on the 28th of May, 1748, took out a warrant for 200 acres, including his improvement, the interest to commence March 1st 1739; He also paid £10, on that day, into

the Receiver General's office. He died intestate, on the lands in 1758, leaving Susanna, his widow, and several issue, none lessors of the plaintiff, who were all young at his decease, but their ages were not ascertained. His stock of creatures were sold shortly after his death. There was proof by the acknowledgment of the eldest son, that at the time of his death he owned one bond of £50.

The interest of the intestate, in the lands, was sold by the widow, and John Byers, her brother, at public vendue, for £140 10s. And they executed a bill of sale thereof, to Robert Taylor, and others, and also an assignment of the original receipt for £10, both bearing date on the 11th of May, 1758. The whole premises being afterwards vested in Taylor, were conveyed, on the 1st of January, 1761, by his administrators, in pursuance of a sale directed by the Orphans' court, to John Sterling, under whom, by several mesne conveyances, the defendants made title.

Byers and his sister were dead. No letters of administration to them were shown in evidence, but their bill of sale styled them administrators. Nor were any inventory, or administration account shown to the court, or search made for them.

The counsel for the plaintiff admitted, that formerly equitable titles to lands, under improvements, and even warrants and surveys, were considered as personal property, appraised as such in inventories, and settled in administration accounts, without any orders of Orphans' court, empowering the administrators to sell; or, in the case of wills, without any authority from the testators. But they contended, that this usage ceased in 1753 or 1754, and consequently, that the sale made by the administrators in 1758, was not protected thereby.

The court, after stating the titles of the contending parties, observed there was a considerable interval, during which equitable titles to lands were not viewed in the same light as at present. It was not then supposed, that ejectments, could be supported on the grounds of an improvement, warrant, or survey, the legal title being in the proprietaries. Amongst some of the first instances, in this court, of a different practice, may be reckoned the case of the lessee of George Sprekel v. George Stephenson, at York, May assizes, 1772.

In more ancient times, such equitable claims to lands were ranked as mere chattels, and sold as such by executors, without powers in the wills, and even by executor in their own wrong, and by administrators without the intervening orders of the Orphans' courts. Such sales formerly made, *bona fide*, for payment of debts, or maintenance of minor children, have frequently been sanctioned by courts of Justice. A determination on this very point was had at Lancaster June assizes, 1792, between Means's lessee v. Flora, by McKean, C. J. and in many other cases before the war.

The titles to many valuable estates depend on sales of this nature, and it would be highly inconvenient and dangerous now to impeach them. The custom of the country of that day, was *usitata et approbata*, and became the received law. Indeed the law itself has been said to be nothing but common usage.

But the plaintiff's counsel insist that this usage ceased in 1753, or 1754. We apprehend this not to be the fact. In Duncan's lessee v. Walker, determined in bank, January term, 1793, the court expressed themselves, that improvements made *animo residenti*, and even warranted and surveyed lands made thirty-five years ago, or thereabouts, were generally considered as chattel interests, and appraised as such in the inventories of deceased persons, &c. The verdict was for the defendant, but the residue of the case more properly belongs to another branch of the law.

The practice of bringing ejectments has now become settled law, though the legal title is in the commonwealth; the custom of the country is, in this respect, *usitata et approbata*, and is recognized and adopted in

the supreme court of the United States, in *Sims's lessee v. Irvine*, 425 466.

And, in the lessee of *Paxton v. Price Bedford*, April, 1795, before McKean, C. J. and Yeates, J. MSS. Reports. It was said by the court, on an objection to the evidence, That such inchoate rights as applications, have been frequently transferred by mere blank endorsements. The strict forms of conveyances have not been applied to such imperfect rights; and in the case of improvements, it is well known, that the sale of them has been proved by parol.

So, in the lessee of *Lynn v. Downes*, at Fayette, May, 1795, before the same judges, MSS. Reports. Thomas Downes, filed an application for 300 acres of land, including an improvement, on the 3d of April, 1769. He made his will in 1778, and devised the land to his widow and children. The only part of the case material to the present question, is as follows:

On the 21st of October, 1788, the widow and executrix, and three of the children, convey their shares and interests to Benjamin Brashiers, and his heirs, in consideration of 20s. an acre; and on the 28th of March, 1789, Brashiers, by an assignment, endorsed on the former bill of sale, "Sells and transfers all his right title and interest, in the within writings, to Andrew Lynn, (father of lessors of the plaintiff,) for value received," without using any words of inheritance therein.

It was contended for defendant, that Brashiers' deed, containing no words of inheritance, passed no more than an estate for life to Lynn, which was now spent; and therefore the plaintiff shewed no title to the lands. The rule of law was so clearly settled, that in deeds the word "heirs" was so indispensably necessary to vest an estate in fee simple, it could need no animadversion.

But, by the Court. The operation of applications and surveys thereon, is best explained by the usage of the state; and as that usage alters, so will the law. No such titles are known in England, and the strict rules of law there, are inapplicable to our system. An application is the mere inception of a title, on which no more is paid than 7s. 6d. the mere office fees of entering it. It vests a mere equitable interest in the party, the legal estate remaining in the commonwealth in trust. The right is eventually completed by obtaining a patent.

We have often seen, that rights under applications and warrants, have been assigned by blank endorsements, and that the sale of improvements has taken place by payment of money, or the delivery of a specific article by way of consideration; and such transfer and sales have always been established. This point was resolved at Bedford, during our present circuit, in *Paxton's lessee v. Price*.

In the instance before us, the subject matter must be considered; and Brashiers' assignment conveys to Andrew Lynn, all his right, title and interest, in the within writings. It refers to the other conveyance, on which it is endorsed.

The intention of the parties is clear. The title passed for a valuable consideration, and the money paid, raises an use, which chancery would carry into execution. It operates as a statute conveyance; and we apprehend, that the vendor would be considered as a trustee for the vendee, and consequently, that all his equitable interest passed to the ancestor of the lessors of the plaintiff. Verdict for plaintiff.

And in Lowrey's lessee v. Gibson, before cited, it was said, that even warrants might pass by parol.

And a devise of an improvement, in 1745, without words of inheritance, held to vest a fee. Lessee of Green v. Creamer, Supreme court, December, 1798, MSS. Reports, S. C. 3 Dallas, 477.

A location entered by one person in the name of another, such nominal person is to be considered as a trustee for the person who made the entry.

Thus, in the lessee of Cornelius Cox v. Thomas Grant, Northumberland, May, 1792, before McKean, C. J. and Yeates, J. Both Plaintiff and defendant claimed under

the same location, entered in the name of Thomas Grant, dated 5d of April, 1769. It appeared in evidence that the location was put into the office by Alexander Grant, father of defendant, in his name, and that he was then eleven years old; that the lands were taken up by the said Alexander and Cornelius, in partnership; and, that sometime afterwards, during the minority of his son, Alexander Grant agreed to sell to Cox the other moiety of the land for 2/3 part of which was paid: Cox continued in possession; he had paid the surveying fees. Alexander Grant obtained a judgment against him for 9l. 8s. and issued a *fi fa.* returnable to August, 1773, upon which the said lands were levied as Cox's property.

By the court. We must take notice of the usual practice which has prevailed in the country, to obtain a title of lands from the late proprietary officers. The rule which obtained amongst them, that a person should not be permitted to take out a warrant, or location for more than 300 acres of land, was probably first introduced to prevent the ingrossing of real property, and was perhaps continued afterwards for the emolument of the officers. But we well know, that, in general, the name in the location was merely nominal, and used as a kind of scaffolding for building up a formal and regular title. The person whose name was used stands as a mere trustee for him who took out the warrant, or entered the location, and paid the surveyors, or other officers. The latter is the *cestui quise*. It has been long settled that one purchasing lands in the name of another, and paying the money, it is a resulting trust. (See 1 P. Wms. 321. 1 Wils. 21. 1 Eq. Ca. abr. 380. 2 Eq. Ca. abr. 744. 1 Atk. 60. 2 Atk. 150.) Here Alexander Grant made use of his son's name, merely for the purpose of obtaining the title, and having sold to the plaintiff, his sale must be established.

And in Fogler's lessee v. Gobach, Dauphin, October, 1796, (MSS. Reports,) Smith, J. held the same doctrine. He said it had always been understood in Pennsylvania, that one entering a location in the name of another, it shall enure for the benefit of the party applying, without other proof. So, in the case of the father making application in the names of his children, it shall be presumed to be for the use of the father. The practice of the proprietary Land Office first introduced this system of taking up lands, and the effects of it have been generally understood. But as this trust is founded on mere presumption, I think it may be repelled by evidence of the contrary reputation of the country being opposed to it in particular instances (1 Ld. Raym. 311.)

Of the law respecting improvements.

This subject has been already noticed. From the peculiar circumstances attending the settlement of a new country, it has at present grown into importance. Though singular in its origin, it has gradually grown into a system, which has been moulded by time and common sense, into an intelligible and reasonable branch of settled law. It may hereafter form a striking feature in the history of property; but in times not very remote, it must inevitably become obsolete in practice and use. As in the country from which we derive the principles of our laws, it is no longer necessary to inquire whether some powerful baron acquired the possession of a manor or a castle, by the grant of his sovereign, or by force, or by fraud; so, in the course of time it may be altogether unnecessary to inquire into the particular origin of our titles.

An attentive examination of the minutes of the Board of Property, commencing in the year 1765, will shew the great consideration shewn to improvements by the proprietaries themselves; and a variety of instances appear in which regular warrants and applications have given way to mere improvements without other title.

The first judicial report we have on this subject, is the lessee of Patrick Campbell v. Benjamin Kidd, at Carlisle, Cumberland county, June 1774, before Chew, C. J. and Morton, J. MSS. Rep.

Thomas Orbison settled on the lands in dispute, in 1748, cleared 14 acres, built a cabin and barn thereon, and—otherwise improved the same; that in doing this he was not in the least obstructed by the neighbours having interfered with the lines, or claims of none of them; and that on the 21st of February, 1750—1, he sold his improvement to John Gilmore for £20. Gilmore, on the 26th of May, 1753, sold the improvement to the lessor of the plaintiff for £60, who continued in possession of the same, until his house was burnt by the Indians in 1759.

This evidence was objected to. It was said, the improvement offered on the part of the plaintiff can give him no legal title, without acquiring some right under the proprietaries. They are the owners of the soil, and unless they grant away the lands, no improvement thereon, or settlement by consent of a neighbourhood, can give a right. The title, if it can be termed one, is founded on a trespass, from which the plaintiff can derive no benefit, either in law or equity. Besides, more lands are claimed by the plaintiff than what he has actually improved and settled on, and the ejectment is brought in consequence of such claim. Can he recover the adjacent wood land under his claim? And how shall his claim be restrained within proper bounds? The defendant's counsel therefore moved for a nonsuit, and cited 1 Burr. 119. Plaintiff in ejectment must have both the right of possession, and the right of property, Buller 108. If defendant prove the title out of the lessor of the plaintiff, it is sufficient for him.

For the plaintiff, it was said, that this province, and particularly the more remote counties, owe their present flourishing state to the doctrine of improvements. The original proprietor, Mr. Penn, gave general invitations throughout Europe, for adventurers to come in, and settle on his lands. And the proprietary officers have uniformly encouraged improvements since the settlement of the province; and have constantly given the pre-emption of improved lands to the first settlers, or to those who claimed under them. The people, therefore, justly considered this preference as due to improvers, and the conduct of the proprietors establishes the custom as the law of the land. The rigid rules of law which have obtained in England respecting real property, cannot be applicable, in every particular, to the circumstances of this province. Such principles would be similar to those of the unskilful physician, who prescribed the same medicines to different disorders and constitutions. Should we judge by the rules of the English constitution, the titles of many very valuable tracts would be destroyed for want of naturalization in the original grantees, many of whom were foreigners. It is agreed that there is a wide difference between improvements made since the Indian purchases made in 1736, and 1754, and that in 1768. In the lands granted by the latter, it is acknowledged on all hands, that improvements give not the shadow of title. The advertisement issued from the Land Office, and the opening that office shortly after for the benefit of applicants, must clearly take away any pretence of improvements founding a title to lands bought in 1768. But the case is different with the other purchases. The Land Office favoured improvers of these lands, and gave a tacit consent to settlements made according to the usage of the country. Persons obtaining warrants could not lay them on improved lands; they were considered as "appropriated."

Old improvements have been sanctified by the adjudications of courts of justice. At Northampton, at March term, 1769, in Hlover's lessee v. Shreeder, the plaintiff recovered under a mere improvement, though the doctrine now contended for was then warmly pressed. An improvement was established, and took place of a patent, in Myers' lessee v. Hefflinger, at Nisi Prius, at Lancaster, in November, 1768; and at Nisi Prius, at York, May, 1772, in an ejectment brought by George Sprenkel v. George Stevenson, an improvement

was given in evidence on the part of the plaintiff, though made within the reputed bounds of Springetbury manor; and this, too, against a patent, accompanied with a long possession. Numberless are the cases wherein this doctrine has prevailed in the different courts of Common Pleas.

An ejectment is a possessory action; and it is settled, that one having a right of possession may recover in such action, though the title may appear in a third person. Vaughan 239. Cro. Eliz. 322, 438. Cro. Jac. 457. Cro. Car. 58. 1 Wils. 72, 272. 2 Wils. 338—9. They also cited 4 Rep. 26, a. b. Lessee of copyholder for a year may maintain an ejectment against a stranger, under the custom. Cro. Car. 169. Lands may be appertaining to a message.

By the Court. There is a *jus proprietatis*, and a *jus possessionis*. One having the latter right, may, in some instances, recover an ejectment, though he has not the legal title, as in the case of a disseisor before a descent cast. Did the dispute concern improved lands only, the plaintiff should recover the possession. For improvers of lands purchased of the Indians in 1736 and 1754, under circumstances similar to the present, have the most equitable claim to a confirmation of their titles. The encouragement given by the proprietors and their officers to improvements, have clearly expressed their assent to the usage, and is such a sanction as amounts to an implied contract on the part of the proprietors, that they will grant the lands to such persons on the usual and common terms. Were the proprietors to refuse the terms so offered to them by an improver, chancery would decree a specific performance against them. It is certain, however, that a right to improved lands will not carry an indefinite claim to adjacent, unimproved lands. The grand difficulty here, will be, admitting the improvement offered to the jury on the part of the plaintiff, to found an equitable title to the improved lands, whether that title should also prevail as to unimproved circumjacent land, necessary to accommodate the improvement, and to be ascertained by a jury; or whether such woodland should be determined by the proprietary officers, and be solely judged of by them?

Though the granting lands to improvers be highly agreeable to the principles of reason, and natural justice, yet, *stricto jure*, such improved lands, until an office right is obtained, may be considered as vacant. The term "appropriated" in warrants, does not relate to improved lands, but rather seems to refer to lands surveyed for the use of the proprietors. The distinction between improvements made since the three Indian purchases, has been well taken by the plaintiff's counsel. To lands granted under the first two purchases, the *bona fide* improver has an equitable title. Under the latter, an improver can give no preference, or shadow of title. If an improver of lands in England, when entered on by another, cannot recover the possession from the wrong doer, the title being in a third person, yet in this province such a one surely may, and ought to have relief from the peculiar circumstances and settlement of the country. In this case the possession of the plaintiff should be the sole object of the jury. Verdict for plaintiff—and the court ordered that his counsel should have liberty to move the court at the day in bank, to give evidence (if they think it regular and proper) of the practice of the country and Land Office, with respect to the *quantum*, or proportion of adjacent unimproved lands, properly claimable, or grantable under improvement rights.

The doctrine of improvements was most fully considered as well by the court, as the counsel, at *Nisi Prius*, at Washington, May, 1795, in Howard's lessee v. Pollock and Burk, before M'Kean, C. J. and Yeates, J. (MSS. Reports.)

Matthew Karr made a small improvement on a plantation in 1768, by deadening a few trees, and making some brush heaps. In the succeeding year, Joseph

Proctor came up, and settled near him. Some differences arose between them, but at length they mutually fixed on a line between themselves, and agreed that it should be marked. This was accordingly done, and Proctor built a snug cabin, cleared six acres of land, lived thereon two years, and raised grain during that period. He then sold his improvement to the lessor of the plaintiff for 30*l*. who possessed himself thereof, and lived thereon three years, until he was driven off by the savages.

Karr sold his improvement to one Charles Burkhams, who again sold to Pollock, one of the defendants; Burkhams was the tenant of Pollock. It was offered to prove the consentable line shewn by the two original settlers, by several witnesses, and to establish that Pollock knew of this boundary when he purchased, and that he was forewarned not to go over it.

Exception was taken to this testimony.

The plaintiff must recover according to his title at the time of the demise laid in the declaration, which is on the 2d of October, 1780. If his title then was not good, it shall not defeat the equitable title of defendant, by improvement, aided by a warrant dated 20th of January, 1785, and a survey made on the 17th of February following, before the commencement of the suit.

Whatever effect subsequent laws may be supposed to have on the doctrine of improvements, they cannot affect the present question, which must be judged of by the existing law of 1781, (chap. 929.) It is also remarkable, that the act of 30th of Dec. 1786, (chap. 1248,) recites, that settlers were not secured in their pre-emption rights, by the law of 1st of April, 1784, and affords them a temporary advantage, which has since been continued by subsequent acts. If under any previous law, or established custom, the titles of improvers had been fixed and ascertained, there could have been no necessity for passing this act.

It was answered by the plaintiff, that though he conceded he could recover only according to his right at the time of the feigned lease; yet different acts of the legislature, expressive of their sense of improvements, had shewn in what light real settlements should be viewed, and were declaratory of former established usages. It was not meant to carry the improvement doctrines to the wild extremes to which they were brought shortly before the Revolution; but that a *bona fide* improvement, made *animo residenti*, pursued in all its stages, and never abandoned, had certain benefits annexed to it from the uniform practice of the Land Office, and of courts of justice, was now the generally received opinion of the western country; and it was apprehended, these advantages were sanctified by divers laws of the state.

The state of Virginia recognized by a municipal regulation of May 3d, 1779, actual settlers, "who had made a crop of corn, or resided on the lands for one year before January 1st, 1778," as freeholders of that commonwealth, and entitled to the farms they occupied, not exceeding 400 acres. An unfair advantage would be had against the Pennsylvania settlers, particularly those near the disputed territory, unless a similar doctrine was extended to them also. The public advertisement, on opening the Land Office for the new purchase, on the 3d of April, 1769, commonly called the preamble to the lottery, explicitly declares, that "those who had settled plantations, should have a preference."

The act of 1st of April, 1784, opening the Land Office, states, in sect. 1, the equal justice due to all persons holding lands, that they should have equal opportunities of completing their titles; and in sect. 3, directs that each applicant shall produce a certificate, specifying whether the lands are improved, or not, that interest may be charged accordingly.

The funding law of the 16th of March, 1785, (chap. 126,) directs that improvements shall be subject to taxation, and thereby recognizes those claims.

The limitation act of 26th of March, 1785, (chap.

1134,) declares, that no persons claiming lands in consequence of any prior settlement, improvement or occupation, without other title, shall recover the same, unless they have had the peaceable possession thereof within seven years before action brought; with a proviso, in favour of persons driven from their possessions by the savages, &c. Now it is evident, that here is a necessary implication from the words of the law, that an ejectment may be maintained under a prior settlement, improvement, or occupation, where there has been a possession within seven years next before the commencement of the suit, by the party, his ancestors, or predecessors.

As to the argument drawn from the penning of the preamble of the act of 30th of December, 1786, it may be obviated, by considering that it arose from the abundant caution of the legislature, and from some former decisions at law.

By the Court. Cases of improvements depend on a great variety of circumstances, all of which must be taken into consideration by a jury. The practice of the late proprietary Land Office, and divers laws since the Revolution have annexed to them certain claims; so that they may be now classed among the imperfect rights to lands. It is a matter of fair argument, when the testimony is given, what will be its operation. We will therefore hear the evidence. It is a more favourable case than improvements generally are, there being an agreed line between the parties, if the plaintiff should bring home the knowledge of that fact to Pollock, before he purchased. The jury found a verdict for the plaintiff; and established the agreed marked boundary.

Besides the laws cited, see the act for raising 5,700,000 dollars, passed 10th of October, 1779, (chap. 855,) which declares, in sect. 11, that lands held by improvement, are thereby made taxable.—An act for emitting 500,000*l*. in bills of credit, passed 7th of April, 1781, (chap. 928,) which enacts, in sect. 7, that, together with the guarantee of the state, so much as shall be sufficient of the arrears due for land, granted, or claimed by virtue of warrants, locations, surveys, or any other title, that might be deemed good and valid, according to the law, custom, or usage in force under the late government, shall be pledged as a fund out of which the said bills of credit shall be redeemed, &c.—Act passed 5th of April, 1782, (chap. 953,) instituting a Board of Property, to hear or determine in all cases of controversy touching escheats, &c. rights of pre-emption, promises, imperfect titles, or otherwise, which may arise in the Land Office.—Act passed 12th of March, 1783, sect. 6, (chap. 996.)—Act passed 22d of April, 1794, (chap. 1755,) sect. 2, directing that no warrants shall issue after 15th of June, 1794, for the lands therein mentioned, except in favour of persons claiming under some settlement and improvement.—Act passed 22d September, 1794, (chap. 1773,) sect. 1, declaring, that after passing of the law, no applications shall be received in the Land Office, for any lands, except such whereon a settlement has been, or thereafter shall be made, grain raised, and a person or persons residing thereon.

In the lessee of Smith v. Brown, Fayette, May, 1795, formerly cited, on the point of the note respecting Virginia certificates of settlement, M'Kean, C. J. in his charge to the jury, on the improvement point of the case, observed, that "To give an improvement any equity whatever, it must not have the smallest cast of an abandonment.—So wild and extravagant have been the notions of many people about improvements, that it is not easy to define them. In the language of the act of 30th of December, 1786, (chap. 1248,) it is understood to be "an actual personal, resident settlement, with a manifest intention of making it a place of abode, and the means of supporting a family, and continued from time to time, unless interrupted by the enemy, or by going into the military service of this country during the war."

The chief justice then proceeded to give an account

of the origin of improvements, and the state of the Land Office at a particular period, from which the editor has in some degree dissented, upon an investigation of certain facts already exhibited.—But the reader will be able to form his own judgment, upon a full view of the whole subject, and of the different sentiments which have, from time to time, been expressed respecting it.

There are three kinds of rights; (he adds) *jus proprietatis*, *jus possessionis*, and *jus ragum*, or an imperfect right; settlements may be ranked among the latter species; it is a right to a pre-emption.

William Penn, the first proprietary, died in England, in 1718, and his son Thomas continued in his minority until 1731.—Richard, his other son, until 1732. In this interval their Land Office was shut up, so that during that time, warrants and patents were not regularly granted by the commissioners of property, for transferring lands to applicants.

To further the settlement of the then province, within that period, tickets, signed by one of the commissioners of property, or by the secretary of the Land Office, came into practice. Hence it would seem sprung improvements.

The old rule being once relaxed, greater liberties were taken by the people, and emigrants from abroad often seated themselves on vacant lands without permission, and made valuable improvements. The usage of the proprietary Land Office was favourable to these settlements.—The interests of the proprietaries were promoted; and the pre-emption of the lands they occupied, was generally considered as belonging to the settlers. The inhabitants of the frontier counties, in particular, availed themselves of the usage, and in many instances went much further than was ever intended by the lords of the soil, or their officers. He then referred to the acts mentioned in the preceding case, particularly the limitation act, which, he said, presupposes, that under the received usage, a recovery might have been before legally had under a prior settlement, improvement, or occupation where there had been an attendant possession within seven years before the suit brought. The former custom of granting the lands to real improvers, is clearly hereby recognized.

“Improvements must not have the smallest cast of an abandonment.” Thus in Neave’s lessee v. Edwards and Wisegarver, Bedford, June, 1799, before Yeates and Smith, justices. (MSS. Reports.)

Ejectment for one message, six acres of meadow, twenty acres of arable land, and one hundred and forty-six acres of woodland, in Bedford county.

The plaintiff claimed under a warrant to James Caldwell for 400 acres in the forks of Dunning’s creek, including his improvement, in Cumberland county, dated 31st of May, 1763. A survey of 850 acres and allowance by Richard Tea, 16th of May, 1765, and sundry mesne conveyances. It being afterwards discovered, that the survey included, patented lands, held under an elder right, a warrant or re-survey was obtained, upon which a re-survey was made by George Woods, on the third of May, 1776, containing 586 acres and 125 perches, excluding the patented lands, but including the defendant’s house and claim, which were also comprehended within the lines of the original survey.

The defendants produced witnesses, who swore, that in August, 1762, one Robert Owings made improvements on the land, by building a small cabin, clearing a field of near two acres, inclosed with a brush fence, and planting corn thereon. In the spring following, the settlers were driven off by the Indians; Owings left the place among the rest, and never returned.

In 1776, Robert Adams, jun. understanding that Owings had relinquished all claim, came to the old improvement, and cleared a small spot for hemp seed. In the succeeding year he raised another small cabin, and was then driven off by the Indians. Wisegarver lived about three miles distant, and took possession, but not

claiming under Owings. About 1783, he applied to Adams to purchase his improvement.

The plaintiffs’ counsel offered to prove, that Owings had entirely given up his claim, before the survey in 1765, but were stopped by the court, who said there was already given full and satisfactory evidence of an abandonment. Owings quitted his cabin in 1763, and never returned, nor claimed the land. Under a warrant like the present, not precisely descriptive of particular lands, and when there was much vacant land in the forks of Dunning’s creek, a fair *bona fide* settlement, made before the survey, and continued from time to time, unless interrupted by the enemy, would be entitled to the preference. Here no less than 850 acres were surveyed under a 400 acre warrant. But circumstanced as the case is, the plaintiff’s title must necessarily prevail. Verdict for the plaintiff, *instanter*.

And, in the case of Thomas Sturgeon’s lessee v. Alexander Waugh, before the same judges, Dauphin county, October, 1799. In ejectment, for 46 acres of land, in Lower Paxtang township, an abandonment of an improvement for 36 years, the party living at no great distance even if the limitation act created no legal bar, was adjudged to form an inseparable obstacle to a recovery. In England, a long possession without a deed, is preferable to an ancient deed without possession. The rule holds with much greater force in new countries, where the community are peculiarly interested in the cultivation of the soil, and manual labour so much enhances the value of real property. Such are the grounds of policy in the law, and such have been the uniform decisions of courts of justice, to prevent litigation on slight pretensions, and give security to landed titles. MSS. Reports.

And, by M’Kean, C. J. If one in possession has a legal title, and sells to a purchaser, *bona fide*, and without notice, an equitable title by improvement shall not affect him; nor indeed ought it to go to the jury in evidence. (See Talb. Ca. 187, 258, 260. 2 Freem. 43. 3 Chan. Ca. 123. 2 Blackst. Com. 329, 337.) Cherry’s lessee v. Robinson, Fayette, May, 1795. (MSS. Reports.)

In the lessee of Hugh Neilly v. Benjamin M’Cormick, Allegheny, May, 1779, before Yeates and Smith, justices, (MSS. Reports.) In ejectment for lands, on a mere improvement right, a witness proved that the lessor of the plaintiff had a small nursery, and trees deadened on the land, about 22 years before the bringing of this suit.

The defendant’s counsel objected, that the action cannot be maintained on the prior settlement right, without other title, unless the plaintiff, his ancestors, or predecessors, have had the quiet and peaceable possession, within seven years next before bringing the action, under the limitation act of the 26th of March, 1785, section 5.

The counsel for the plaintiff answered, that an inquiry of forcible entry, and detainer had been found many years ago against the defendant, in Washington county, and had been removed to the supreme court, where it remained untried, and that consequently the possession of the defendant must be deemed tortious; and moreover, this was a case on the frontiers, where the inhabitants had been driven off by the savages.

But, by the Court, Why have you not gone on with your indictment, and obtained possession thereon? If you have been forced from the lands by Indians, or others, you might have brought your ejectment before the 26th of March, 1790. The case is clearly within the limitation act. The courts not being open has been held no answer to it. 1 Lev. 31. 2 Salk. 420. 1 Keb. 157. When the time once begins, it runs over all mesne acts, such as coverture and infancy. (1 Stra. 556. Plowd. 355. 4 Term. Rep. 306, 310, 311, 312.) Plaintiff nonsuit.

An improver may also abandon his improvement, by his own act, in obtaining his warrants.

Thus, in the lessee of Richard Carrol v. Robert Andrews, Washington, October, 1800, before Yeates and Smith, justices, (MSS. Reports,) in ejectment for one message and 150 acres of land, on the waters of Ten Mile creek.

It was admitted, that the lessor of the plaintiff, and Samuel Parkhurst, under whom the defendant claimed, originally held the lands in question by improvement rights.

The facts turned out in evidence as follow.

Stephen Carter settled on the lands in 1785, built a house and barn, planted a nursery, and cleared about 30 acres. He took out a warrant, and obtained a survey of 400 acres and allowance in 1787, by Thaddeus Dodd, an assistant surveyor under David Reddie, Esq. Two years after, he removed to the Miami, leaving his farm under the care of Samuel Parkhurst, to be sold or rented. Parkhurst, as his agent, on the 25th of November, 1790, conveyed to the defendant 400 acres and allowance, as surveyed under Carter's warrant, in consideration of £140. The defendant afterwards, on the suggestion of Daniel M'Farland, procured Carter's warrant to be returned unsatisfied; and on the 18th of December, 1794, obtained a new warrant for 400 acres on the head waters of Ten Mile creek, adjoining the lands of Richard Carrol and Lawrence Craft, at 50 shillings per hundred acres, upon which 406 acres and allowance were surveyed by John Hoge, on the 9th of January, 1796.

Previous to the last warrant, the lessor of the plaintiff made a settlement and improvement on the lands in question.

The court said, that they had been led into the evidence of the improvement made by Carter, by the opening counsel; but had the facts been fully stated, they would not have permitted such evidences to have been given under the circumstances of this case.

The conduct of the defendant was a fraud on every citizen of the State; instigated by avarice, and the low cunning of M'Farland, he has abandoned his elder and better title, under Carter's warrant, and he must now be concluded by his warrant of 1794, as for improved lands. Though evidence has been received of valuable improvements made by Carter, it cannot avail the defendant, who, by his own voluntary act, has defeated his claim thereto.

The defendant's counsel then relied on the bill of sale from Parkhurst, of the warrant right and survey of Carter, and offered to shew by parol evidence, a purchase from Parkhurst of the improvement right.

But, by the Court, How can you entitle yourself under a warrant, which you have obtained a return of as unsatisfied? Can you relinquish your interest under it, and yet retain your right against the commonwealth, whom you have attempted to defraud? One may lose an honest debt by playing a trick to come at it; as by adding a seal to a note, which was sufficient without it (2 Vern. 162.) You have produced a written conveyance from the agent of Carter, and are precluded from shewing the transfer by oral testimony.—Verdict for the plaintiff.

The same principle is recognized in Merchants' lessee v. Millison, before cited. And in the lessee of John Nicholls v. William Lafferty, Allegheny, November, 1801, before the same judges, (MSS. Reports.) The defendant claimed under a warrant to William Harvey, dated 27th of July, 1785, including an improvement made by William M'Murray, interest to commence from 1st of March, 1780.

The defendant's counsel proposed to examine witnesses as to the improvements made by M'Murray antecedent to the 1st of March, 1780, on the lands in question.

But, by the Court, This point has been so often decided, and even in some cases apparently hard, that we

cannot permit it at this time to be debated. The warrant-holder has precluded himself from deriving his equitable title of improvement beyond the day called for in his warrant. The decision will conduce to good morals, and serve as an additional proof of the old adage, that honesty is the best policy; and we will not deviate from it.

So, in the lessee of Gotlied Reigart, and Conrad Haverstock, and Christiana Samuel, before the same judges, at Bedford, November, 1803, (MSS. Reports.)

The plaintiff claimed under an application entered November 17th, 1766, and a survey thereon made 10th of April, 1790. The defendants claimed under a warrant dated 2d November, 1774, whereon interest was to commence from the 1st of March, 1767, a survey made thereon, 27th of December, 1785, and a patent dated April 15th, 1786.

The defendant's counsel offered to shew a settlement made on the lands in question in 1761, and continued since that time.

It was objected that he could go no further back than 1767, when the interest on his warrant commences.

The defendants replied, that they might shelter themselves under a settlement, prior to the period of interest commencing as expressed in their warrant, although a plaintiff out of possession was bound thereby, and could not do so.

By the Court. There can be no just ground of distinction between the two cases. When either the plaintiff or defendant attempt to defraud the commonwealth, by not charging themselves with the full interest from their respective periods of improvement, it must at least operate as an abandonment of their claim for such intermediate time as they have dropped; and we shall hold them bound thereby. Both instances must rest on the same uniform principle. If, indeed, the defendant does not shew his warrant or application in evidence, and it is not produced by the adverse party, the defendant may rest on his possession, and prove his settlement from its first commencement. Circumstanced as this case is, the objection must be sustained; and so have been our decisions.

The evidence having been gone through, it appeared that the lessor of the plaintiff had been guilty of gross laches, and the charge being decidedly for defendant, the plaintiff suffered a nonsuit.

And mentioning an improvement in an application is mere matter of description, if the party do not state when it began; and he abandons his equity of improvement, by not paying back interest from the time of its commencement, and evidence of the improvement must be overruled. So held by Yeates, J. circuit court, Bedford, October, 1807, in Cox's lessee v. Ewing, and others, (MSS. Reports.) Although it was warmly contended by defendant's counsel, that applications of 1766 were not within the rule, and that back interest was never calculated on applications; and that it would be highly unjust, that one should suffer in his claim to lands by reason of his conformity to the regulations of the proprietary officers, over whom he had no control. The court said, that the regulations of the Land Office in 1766, seem to have blended the proprietary interests, with those of the poorer class of the community, who might not have ready cash to advance for the purpose of taking out warrants, but who, by the addition of labour to the value of the soil, would give a permanent security for the payment of the consideration money. The new institution, however, cannot be regarded as a variation of the rights of the proprietaries, or the duties of individuals. Warrants have been taken out for improvements after 1766, which fully evince the mode of procedure, when improvements previous thereto, were intended to be secured. The old consideration and quit rents are specified therein, as the terms on which such warrants issued. It follows, that such improvements cannot be adduced to establish a title to the lands anterior to such application.

On the foregoing case, it is to be observed, that the ground taken by the counsel for defendant, was entirely mistaken. By a reference to the proceedings introductory to the opening of the office on the new plan, in 1765, particularly the advertisement of seventeenth of June, 1765, it will appear, that every person desirous to settle any vacant land purchased of the Indians, and not appropriated to the proprietaries' use, were to apply to the secretary, who, instead of granting a warrant, was to enter the persons's name, with the date of his application, and the description, or location of the land. And they were to attend the deputy-surveyor, at a time to be appointed, to shew him the land, and have it surveyed; and to pay interest from six months after the date of the application.—Every idea of improved land is here excluded.

But, all persons possessing, or claiming lands, on account of any settlements, or improvements, whether on the east or west side of Susquehanna, were to make application, and to bring with them authentic certificates, of the nature of their improvements, and the time when their settlements first began. So, although the office was closed on the west side to any application for unimproved lands for one year, it was open to applications for improved lands.

And, on the 1st of August, 1765, it was resolved, that the secretary give warrants to such persons as have built on, and resided on the land they apply for, and have a just claim to, as an improvement, bringing a certificate from a neighbouring magistrate, or other satisfactory proof of the nature of the improvement, and first settling thereof; when the interest and quit rent is to commence. But if no such proof was made, it was to be entered as an application; the deputy was to report on the return of survey, and then warrant to issue, if approved by the governor.

And, on the third of October, 1765, the deputy-surveyors were particularly enjoined either in applications for land as unimproved, or on warrants for improvements, since the opening of the office on the new plan, to report with the return of survey, where they found any improvements on the land, and fully to inform themselves, and report when such settlement and improvement first began.

The office opened, generally, on the west side, on the same plan, August 1st, 1766. The Land Office, therefore, unquestionably had it in view, to detect frauds in the two cases: 1st, where, in warrants, the time of the commencement of the improvement was not truly stated; and, 2d, where the application called for no improvement, or, no certificate was produced where an improvement was part of the description. Applications, therefore, to cover lands antecedently improved, were frauds upon the Land Office. And if the survey was returned without a reference to such improvements; the fraud was two-fold. And the principle applied to all other cases, must apply in its fullest force, to the application of 1765 and 1766 and later in the old purchases.

Yet where the survey on a prior indescriptive warrant, covered the whole of the defendant's claim, as well that which had been actually improved and settled previous to such survey, as the adjoining woodland, which was an act never sanctioned by the Land Office; in the same case, the improvements, antecedent to the defendant's application, were so far admitted, as to show the invalidity of the plaintiff's survey. Such survey, the judge added, if it included the real *bona fide* settlements of third persons, would not have received the sanction of the Land Office, or of the country, from their uniform usages. May not such evidence be admitted, to show, that the plaintiff's survey could not legally take effect? It is true, that by going into this testimony, the defendants will derive a degree of benefit from improvements, the equity of which they seem to have abandoned. But this appears inevitable, and flows as a necessary consequence from the investigation of the validity of the survey made for the plaintiff.

The point was, however, reserved at the plaintiff's instance, but it does not appear to have been again stirred. But if the point should arise in other cases, the reconsideration of it would not be precluded; but it would be still open for a more solemn decision.

In Nicholl's v. Holliday, before cited it was held, that an early settlement, accompanied with a subsequent warrant and survey, is preferable to a prior warrant and survey.

The plaintiff settled on the land in 1774, and built on, and improved it, and constantly resided in a cabin very near the land in dispute, except when the inhabitants were driven off by the Indians. A consentable line was established between this place and a tract whereon one William M'Maniny lived, whose house was about half a mile from the acknowledged boundary.

Nicholl's on the 22d of March, 1798, took out a warrant for 380 acres, including his improvement. &c. interest to commence from the first of March, 1774, and obtained a survey thereon of 380 acres and 48 perches, on the 6th of September, 1799, whereof 108 acres were claimed by William Harvey, which included the lands in dispute, but no one had lived hereon until 1785.

The defendant claimed under a warrant to William Harvey, dated 27th of July, 1785, including an improvement made by William M'Murray, interest to commence from 1st of March, 1780, and a survey hereon of 108 acres, made on the 30th of June, 1786.

By the Court. Has not enough been shown, to evince that the plaintiff has the earliest and best possessory right, and must necessarily recover? He claims under a *bona fide* settlement eleven years earlier than the defendant's warrant, uniformly pursued and continued, which must embrace the 108 acres in dispute, and to this he unites a title by a warrant and survey, paying interest to the commonwealth from his first improvement.

The jury gave a verdict for the plaintiff, instantan. (MSS. Reports.)

No actual settlement, subsequent to an adverse survey, can confer a title; or be received in evidence. Eddy's lessee v. Faulkner, Allegheny, November, 1803, (MSS. Reports) which will be referred to more at large, in another part of this note.

An improver of lands taking out an application, including his improvement, and obtaining a survey, is thereby concluded, and cannot hold contiguous lands under the same improvement right. Lessee of John Holmes v. Thomas Kay, Bedford, November, 1803, before Yeates and Smith, justices, (MSS. Reports.)

Improvements made on lands, after an early, descriptive, adverse warrant, and a survey returned, cannot be received in evidence against a distant owner.

Thus, in the lessee of Frederick Pigou v. Nicholas Nevill and James Graham, at a circuit court, at Northumberland, October, 1805, before Yeates, J. in ejectment for 450 acres of land, in Buffalo township.

The plaintiff claimed under a descriptive warrant, in the name of Ludwig Karcher, dated 25th of October, 1774, and a survey made thereupon on the 27th of April, 1775, which was returned into the Surveyor General's office, on the 12th of March, 1776.

The defendant's pretensions rested on a later descriptive warrant, granted to Conrad Sharpe, on the 26th of October, 1774, and a survey thereon made 8th of Nov. 1774, but the time of its return did not appear.

The defendants showed in evidence, without opposition, that Sharpe came upon the lands in October, 1775, cleared three or four rods square, fell some trees, planted a few apple seeds, and raised part of a cabin four logs high. They then offered to prove the extent of the improvements made on the lands since October, 1775, up to the time of bringing the ejectment, in 1807, which was opposed.

Yeates, J. I am constrained to overrule the testimony. Improvements made on lands in dispute; after an adverse early descriptive warrant has issued, and a sur-

vey made thereupon which has been returned into the Surveyor General's Office within 10½ months afterwards, can give no pretence of equity against the distant owner, and can only serve to mislead the jury. Verdict for the plaintiff. To the same point see *Calhoun v. Dunning*, 4 Dallas, 121-2.

The doctrine of improvements will be occasionally mentioned, with reference to certain acts of Assembly, at the close of this note. It remains only to notice the printed authorities on this point.

M'Curdy v. Potts, 2 Dallas, 98 This case is of little, if any importance; and the principal point of it has been differently decided, subsequently, by the same judge, in cases already noticed.

Buchanan's lessee v. M'Clure, adjudged in July, 1808, depended on the lottery applications of 3d of April, 1769. The plaintiff's number was later than that of the defendant, but he endeavored to support his claim to preference, by a settlement made on the land after the purchase made of the Indians in 1768, and before the time of opening the office, the 3d of April following.

The judge who tried the cause, charged the jury, that this settlement and improvement gave a preference to the settler, even against an application properly describing the land; and that No. 2, accompanied with such settlement, was entitled to a preference over No. 1, and the jury found a verdict for the plaintiff. The judge on the motion for a new trial, adhered to this opinion, for reasons given at large in the report. The chief justice, and two other judges were of a different opinion, and the judgment of the court was delivered by the chief justice.

The terms on which the office was opened, were stated at large, (as they are before given.) The counsel for the appellee have made two points. 1, That the settler was entitled to a preference by the law of the land, of which the proprietaries could not deprive him. 2, That he was entitled to a preference by a fair construction of the terms on which the office was opened, 3d of April, 1769.

Title by settlement has always been favored, and under proper restrictions it deserves favor; but it must not be supported to the destruction of all other rights. It cannot be denied that the late proprietaries, who were absolute owners of the soil, had a right to make sales, and to grant rights on what terms they pleased. If they had thought proper to grant no kind of right, but on payment of the purchase money, neither the legislature, nor the courts of justice could have controlled them. But as they had been in the habit of encouraging poor settlers, who were in the beginning unable to pay any money, this practice at length grew into a right, and what had originated in benevolence became the law of the land. I speak now of the lands sold by the proprietaries prior to the year 1769. The last purchase made by them of the Indians, was at Fort Stanwix, 4th of November, 1768. In opening their office for the sale of these lands, they determined to give no preference to persons who settled between 4th of November, 1763, and 3d of April, 1769. To have given such preference, would in a great measure have defeated the equitable intention of putting all persons on an equal footing. Nor could there be any just cause of complaint against the regulation adopted by the Land Office. Only a few months intervening between the purchase, and the notice of the opening of the office; and those months including the winter, when improvements cannot be carried on to a great extent, it was improbable that any one could have been induced to go to a considerable expense, under an idea that he would obtain a preference by settlement.

But there was a class of settlers of another description. Vol. XIII.

tion, whose case was entitled to a different consideration. This leads me to the second point, the true construction of the terms proposed by the Land Office. Although it had always been the policy of the proprietaries and the legislature to discourage settlement on lands not purchased of the Indians, because it gave offence to the Indians, and might produce war, yet when the seat of war between Great Britain and the colonies, and France and the Indians allied to her, was transferred to the Ohio and the country between Pittsburg and the great lakes, it became extremely convenient, and almost necessary that there should be a chain of inhabitants on the military roads leading from the settled country to the western waters. For this purpose the commanding officers of the British forces had been in the habit of granting licences to settle, and in many instances persons settled themselves without licenses, but under an implied permission. These people were exposed to great danger, and many of them were cut off by the savages in their frequent incursions. This kind of settlement had taken place, chiefly, but not altogether, in the western parts of the state. It is to be remarked too, that many of those who had settled without licence, were entitled to favor, because they had relinquished their settlements in consequence of an act of assembly passed in the spring of the year 1768, and a proclamation issued by the governor in pursuance of it. It was thought reasonable therefore, that a preference should be given, on the opening of the Land Office to "those who had settled plantations, especially those who had settled by permission of the commanding officers to the westward."

Had the proprietary order stopped here, there might have been some ground for arguing that the words of the order included all settlers, prior to the opening of the office, however different their cases or merits might be. But, to take away all doubt, the order proceeds to exclude certain settlers by negative expressions, viz. "Those who had settled, or made what they call improvements since the purchase." It is contended that these negative words are to be restricted to those persons who only made trifling improvements, without having settled plantations. But neither the expression, nor the reason of the thing, justifies this restriction, the words "those who had settled," include all kinds of settlement; and the reason of the order, as before explained, certainly demanded that no preference should be given to any kind of settlement made after the purchase.

I have hitherto considered this matter as if it were a new point. But that is far from being the case. It has been understood ever since the opening of the office in 1769, that those persons who settled between 4th of November, 1768, and 3d April, 1769, were entitled to no preference. The Board of Property determined so in the case of the very land now in dispute, on the 26th of March, 1770. The same principle was laid down by chief justice Chew, before the Revolution, in Campbell's lessee v. Kidd, and by chief justice M'Kean, and other judges of the supreme court since the Revolution, in Thompson's lessee v. Beeler, and Sheerer's lessee v. M'Clure; and it is admitted that this has been the uniform opinion and course of decision at Nisi Prius. Now, although the point has never been brought before the court in Bank; yet, when a principle affecting titles to land has been supported for near forty years, by repeated decisions at Nisi Prius, from which no appeal has been made, it appears to be so incorporated with the law as to render it dangerous to touch it. A new trial was awarded. 1 Binney, 385.

If the plaintiff claims under an improvement right only, he cannot support an ejectment, unless he has been in possession within seven years before the suit was brought. *Burd v. the lessee of Danadale*, on error 2 Binney, 82.

(To be continued.)

PROCEEDINGS OF THE STATE CONVENTION

The Convention of Delegates from the Citizens of Pennsylvania, opposed to Executive usurpation and abuse, assembled in the court-house in Harrisburg, on Tuesday, May 27, 1834.

The convention was temporarily organized by calling *Henry Frick* of Northumberland, to the chair, and appointed *Neville B. Craig* of Allegheny and *George Harrison* of Bucks, Secretaries.

The following Delegates appeared and answered to their names.

Adams.

Jacob Cassatt, James Wilson, James McSherry, Thaddeus Stevens, R. G. Harper, James Kershaw.

Allegheny.

Thomas Bakewell, Joseph Patterson, George Darsie, Thomas Williams, Neville B. Craig, Samuel Church.

Bedford.

George Denig, James M. Russell, Alexander King, John A. McCoy, Daniel Washabaugh.

Berks.

Peter Addams, John Beitenman, John Kaucher, John Heiner.

Bever.

Smith Cunningham, William B. Clark.

Broxford.

James P. Bull, Isaac Myer.

Bucks.

Joseph Hough, James Worth, Joshua Barker, Wm. Green, Samuel Carey, Mathias Morris, George Harrison, Anthony Taylor, James Kelly, C. N. Taylor.

Butler.

Robert Cunningham, Alfred Gilmore.

Chester.

William Darlington, John D. Steele, C. A. Buckley, Charles Brooke, John H. Bradley, Joseph Whitaker, Mordecai Lee, Samuel Irwin, M. Stanley, Benjamin Griffith.

Columbia.

George A. Frick, L. G. Bancroft, Joseph Paxton, William G. Hurley.

Centre and Clearfield.

John Foster, William Houston, James Irwin, John Blanchard, Jas. Potter, S. McCormick.

Crawford.

John B. Wallace, Henry C. Bosler, John Dick.

Cumberland.

John Reed, Samuel McKeenan, G. W. Woodburn, Gabriel Heister, Jacob Ritner, James H. Devor.

Dauphin.

Henry K. Strong, David Krause, John Cameron, George Fisher, Henry Shubart, Martin Kendig, Wm. H. Doll, Benjamin Jordan, Richard T. Lecch, Joseph Moody, James Simonton, J. Potter.

Delaware.

Thomas Smith, Wm. Eyre, Jr.

Eric.

Thomas H. Sill, George A. Elliott, John Vincent.

Franklin.

Thos. G. McCulloh, Thos. Chambers, John F. Deny, Andrew Thompson, Frederick Boyer, John M. Farland.

Huntingdon.

John Stewart, J. M. Bell, J. Geo. Miles, D. McMurtree, Jr., John Williamson, Henry L. M'Connell.

Juniata.

Alex. Patterson, James Mathers.

Indiana.

James Taylor.

Lancaster.

George Louis Mayer, Wm. Wright, Samuel Grosh, Joseph Konigsmacher, James Porter, John F. Long, James Hopkins, Samuel O. Jacobs, Edward Parker, Jacob Kirk, Gabriel Davis, Jacob Huber, Thomas G. Henderson, Benj. Mellinger.

Luzerne.

Sharp D. Lewis, Charles Dorrance, Hezekiah Parsons, Anning O. Chahoon.

Lycoming, Potter & M'Kean.

A Davidson, John P. Schuyler, Wm. Wilson, Rob. C. Hall.

Lehigh.

Matthew Selfridge, S. Balliot.

Mercer.

S. C. Tait, Robert M'Cormick.

Mifflin.

Richard Miles, Wm. Patton, Wm. Cummins, John J. M'Coy.

Montgomery.

Richard B. Jones, Thomas M. Jolly, John Freedley, George Richards, George W. Roberts, Joseph Hunsicker.

Northampton, Pike & Wayne.

George Weber, Peter S. Michler, James W. Chapman, John Jordan, Jr., Evan Rees, J. Jenkins Ross.

Northumberland.

Henry Frick, John B. Boyd, Andrew M'Reynolds, John Vincent, James Pollock, William A. Lloyd.

Philadelphia City.

John Sergeant, Joseph R. Ingersoll, John M. Scott, John S. Riddle, Joseph M'Ilvaine, Josiah Randall, J. Price Wetherill, James Crissy, Frederick Fraley, Elihu Chauncey, Charles W. Churchman, Edward Olmsted, Alexander Ferguson, J. Scholefield, James Hutchinson, Nathan Sargent, W. M. Meredith.

Philadelphia County.

Bernard M'Creedy, William Wagner, Nath'l C. Foster, Geo. P. Little, William Fittler, Thomas Rotch, William Wister, George K. Dubb, David Woelpper, Bela Badger, Andrew Young, John Lentz, Henry C. Corbit, John Britton, Alexander Quinton, Michael Day, J. Simon Cohen, Richard Coe.

Perry.

John Rice, A. C. Harding, R. R. Guthrie, P. Ritner.

Schuylkill.

Christopher Loeser, Geo. N. Eckert, Michael Greaff, Andrew Russell.

Susquehanna.

Henry Drinker, William Jessup.

Union.

Simon Shaffer, William Cameron, Nerr Middlesworth, George Weirick, William L. Harris, Robert P. Maclay.

Venango & Warren.

William Raymond, Andrew Bowman.

Washington.

Joseph Lawrence, John H. Ewing.

York.

Calvin Mason, Adam Glosbrenner, Frederick Eichelberger, Wm. M'Ilvaine, Philip Smyser, Charles Bishop, Robert Nebinger, Wm. Diven, A. J. Glossbrenner.

The following committee was then chosen to nominate the officers of the Convention.

Nathaniel C. Forster, Jos. M'Ilvaine, John S. Riddle, David Woelpper, Geo. Louis Mayer, Thomas Smith, John D. Steel, Richard B. Jones, Joseph Hough, P. S. Michler, Christopher Loeser, Peter Addams, Geo. Fisher, Calvin Mason, Jacob Cassatt, Samuel McKeenan, James Potter, Hezekiah Parsons, Asher Davidson, Henry Drinker, Geo. Denig, James Taylor, John H. Ewing, Joseph Patterson, Robert Cunningham, Wm. B. Clark, Geo. A. Elliott.

Adjourned to 3 o'clock, P. M.

Tuesday, May 27, 1834.

The Convention met at three o'clock according to adjournment.

Mr. Fisher, from the committee for that purpose,

reported the following officers, which were unanimously elected.

President.

JOSEPH LAWRENCE, of Washington county.

Vice President.

Ner Middleswarth of Union;
Henry Frick, Northumberland;
John Vincent, Erie;
James M'Sherry, Adams;
George Harrison, Bucks;
Fred'k Eichelberger, York;
Neville B. Craig, Allegheny;
Samuel M'Keehan, Cumberland;
J. M. Russell, Bedford;
Samuel Grosh, Lancaster;
Peter Addams, Berks;
David Woelpper, Philadelphia.

Secretaries.

David Krause, Dauphin;
John Williamson of Huntingdon;
Thomas M. Jolly, Montgomery;
William Jessup, Susquehanna;
Edward Olmsted, Philadelphia;
Samuel C. Tait, Mercer.

On motion of Mr. Morris of Bucks, the following resolution was agreed to:

Resolved, That the Rules of the House of Representatives of this State be adopted for the government of this Convention.

On motion of Mr. Read of Cumberland, it was

Resolved, That a committee of seven persons be appointed to prepare an address to the people of Pennsylvania. The chair appointed the following committee, viz: John Reed, Joseph McIlvaine, Henry L. McConnell, T. G. McCulloh, Thomas H. Sill, John H. Ewing, and Matthias Morris.

Resolved, That a committee of eight be appointed to prepare resolutions expressive of the sense of this Convention in relation to public affairs. The chair appointed the following, viz: John Sergeant, Thaddeus Stevens, James P. Bull, James Hopkins, Wm. McIlvaine, James Taylor, George Weber, and John F. Denny.

Resolved, That a committee of seven be appointed to prepare a memorial to Congress for redress of grievances. The chair appointed the following, viz: Joseph Patterson, William Darlington, Joseph R. Ingersoll, John B. Wallace, James Wilson, A. C. Harding, and Alexander King.

John Sergeant, submitted the following resolution:

Resolved, That the refusal of the President of the United States to receive committees of our fellow citizens, who respectfully waited upon him from various quarters to offer to him information upon the effect of his measures, and to request that his policy might be changed, so as to relieve the country from the severe distress he had brought upon it, was as contrary to true wisdom, as it was to the regard that is due to the rights of the citizens, and equally betrays a weak mind and a despotic temper, already surrendered to the dominion of flatterers, and unable to bear the plain language of Republican simplicity and truth.

The resolution was ably advocated by Mr. Sergeant, after which, it was on motion of Mr. Reed of Cumberland, referred to the committee of Resolutions.

Adjourned to meet at 10 o'clock to-morrow.

May 28.

Convention met at 10 o'clock, A. M.

Mr. Ingersoll, from the committee for that purpose, reported a memorial to Congress which was read, and on motion was ordered to be printed, and a copy furnished to each member.

The names of members were then called, after which the Convention adjourned.

3 o'clock P. M. Convention met, and on motion adjourned to meet at 10 o'clock, A. M. to-morrow.

May 29.

Convention met at 10 o'clock, A. M.

Mr. Sergeant from the committee on resolutions, reported the following:

Resolved, That it is the duty and the right of the citizens freely to express their opinions, upon the conduct of those entrusted with power, and in times of distress, and suffering, and danger, brought on by the acts of any department of the government, it is their right and their duty, by all constitutional means, to endeavor to correct the abuses that exist, and to prevent the mischiefs that are threatened; and for that purpose to unite their efforts, so that when the day of appealing to the ballot box shall come, the appeal may not be made in vain.

Resolved, That the numbers, zeal and harmony of the members of this Convention, and the patriotic spirit which has pervaded its deliberations and its acts, have afforded us the most sincere satisfaction; and together with the fact, that so many of those who compose it, were but recently of the party which supports the Executive, furnish the most convincing evidence that a change has taken place in Pennsylvania; that the love of country and attachment to the Constitution has prevailed over party attachment and devotion to a man; and that at the next elections, this patriotic State will be found on the side of the Constitution and the laws, associated with her sisters, Virginia and New York, and with them contributing to the success of the great cause of constitutional freedom.

Resolved, That in the next elections for Congress and the Legislature, it be deemed an indispensable qualification of candidates, that they are heartily opposed to Executive usurpation, truly attached to the representative system as established by the Constitution; and ready to support the rightful authority of both Houses of Congress, against the encroachments, menaces and assaults of the Executive.

Resolved, That it be earnestly recommended to our fellow citizens, throughout the commonwealth, along with zeal and energy in the great and good cause, to cultivate a spirit of conciliation and mutual respect; and that it be further earnestly recommended to them, to distinguish with their high approbation and confidence, every member of Congress or of the Legislature, by whatever name he may have been chosen, who in his station has faithfully resisted Executive usurpation and abuse, and firmly maintained the rights of the people.

Resolved, That it be also earnestly recommended to our fellow citizens in their respective districts and counties, to adopt all such measures as may be calculated to ensure success—to establish committees of correspondence, and to maintain a communication with each other, for mutual encouragement, information and support, throughout the State.

Resolved, That in removing from office William J. Duane, Esq. late Secretary of the Treasury, because in the exercise of a power committed to him by law, he would not violate his judgment and his conscience, and thereby conform his conduct to the will of the President; in appointing another to succeed him, for no other reason but because he would not conform to his will; and in assuming the responsibility of doing himself, what was intrusted by law to the discretion of the Secretary of the Treasury alone, the President was guilty of an usurpation and abuse of power, and a violation of the Constitution and the laws.

Resolved, That in taking these steps a few weeks before the meeting of a new Congress, recently elected by the people, and clothed with the authority of the people, so that he might thereby be enabled to interpose his veto power, and frustrate the intentions of the representatives of the people, unless two-thirds of both houses should concur—he was guilty of a violent encroachment upon the rights of the people, as they were intended to be secured by the Constitution.

Resolved, That in assigning as a reason for this en-

croachment, that a majority in Congress might be, and probably would be, bribed or corrupted, he was guilty of an unwarrantable assault upon the character of the representatives of the people, an unjust and fatal disparagement of the representative system, and a destructive outrage upon the whole schemes of our government; amounting in fact, to an assertion, that there was no virtue but in the government of a single man, or what is properly denominated an absolute despotism.

Resolved, That by these means, he has unlawfully seized upon, and still holds in his own custody and power, the whole treasure of the United States, having thus removed it from the place where it was deposited by law, and where it was declared by Congress, and known by the people, to be secure, and where, too, it was subject to the power of the representatives of the people, into places of his own selection, of whose sufficiency there is no evidence, and where it is as much beyond the proper control of Congress as the treasury of the General Post Office, and may, for ought we know, be equally mismanaged, wasted, or bestowed, for corrupt purposes, upon favorites and partisans.

Resolved, That the refusal of the Secretary of the Treasury to restore the public moneys to the place of their lawful deposit, after one House of Congress has declared the reasons for removal to be insufficient, is contrary to the plain spirit and meaning of an act of Congress, is a manifest disregard of law, and justly awakens a suspicion that the public moneys have been squandered or lost, and therefore cannot be restored—a suspicion strongly supported by the notorious fact, that secret and contingent drafts were drawn by the Secretary of the Treasury, to the amount of millions, not for any service of the Government, but for the service of selected Banks (in one of which he was himself a stockholder) and to supply their wants, and which suspicion cannot and ought not to slumber, until the people's money is again publicly counted down in the sight of Congress and the people, at the place where they declared it to be secure.

Resolved, That in withholding from the Senate for now almost six months of their session, the nomination of the Secretary of the Treasury, who was the instrument of his unlawful will, so that the Senate might have no opportunity of acting upon his appointment, the President has been guilty of a gross disregard of the constitutional rights of that body, a violation of the true meaning of the Constitution, and a dangerous indulgence of an arbitrary spirit which respects neither law nor right, and has no deference whatever for the co-ordinate branches of the Government.

Resolved, That in these acts of the Executive Government of the United States, which have disordered the currency, destroyed confidence, and produced universal and increasing distrust and distress, are to be found the plain and adequate cause of that unhappy change, by which a nation prosperous, and happy, and blessed by a gracious Providence with the means of continued prosperity and happiness, has been plunged into embarrassment and suffering, for no discernable reason but because such is the will of a single man, who ought to be their servant, but acts as if he was their master.

Resolved, That the acts of usurpation and abuse, already noticed, bad as they are in themselves, are far transcended by the alarming and unconstitutional doctrines deliberately put forth by the President in the paper styled a Protest, in which there is a declared assumption of Executive power, in direct opposition to the theory of our Government, and the literal provisions of the Constitution.

Resolved, That ours is a Government of the people, and that all public officers are mere organs of the people, responsible to them, and to the laws which they enact, and not to the President, who is himself an agent, and not a ruler.

Resolved, That the claim of the President, which de-

nies to Congress the power to place the people's money in the hands of officers whose appointment would not devolve upon him, is adverse to the 2d section of the 2d article of the Constitution, which proves that Congress may vest the appointment of certain Officers in other hands than the President's.

Resolved, That the 8th section of the 1st Article of the Constitution renders all the officers and departments of the Government subordinate to the people by their representatives in Congress, thereby denying the power claimed by the President in this Protest, which would render him superior to all the Departments of the Government, and to the people themselves.

Resolved, That if these assumptions, thus boldly put forth by the President, under the influence of evil passions, and evil counsellors should be unhappily sanctioned by the people, an entire and radical revolution will have been effected in the form of our government, the whole of its powers being thereby deposited in the hands of the President alone.

Resolved, That such a sanction of the powers claimed by the President will lead directly to the destruction of our liberties and the establishment of a despotism.

Resolved, That we cannot sufficiently express our gratitude to the majority in the Senate of the United States for the patriotic energy and unsurpassed talents with which they have maintained the cause of the Constitution, and withstood the assaults upon their Constitutional rights and privileges, and especially for the noble firmness with which they exposed the usurpation and abuse of power committed by the Executive in seizing upon the public purse; hurled back the disrespectful and unconstitutional attack upon their character and privileges in the unprecedented paper called a protest, without suffering it to remain to defile their proceedings; rejected the Executive commentary upon that unwarranted paper, without attempting to solve the perplexing question, whether it was an explanation, or whether it was a retraction, which has so much puzzled the supporters of Executive pretensions; and for the dignified rebuke conveyed in their answers to the insulting message which accompanied the renomination of the so styled Government Directors of the Bank of the United States, as well as for the second and more decided rejection of the nomination thus attempted to be forced upon them, in contemptuous violation of their clearest rights.

Resolved, That our gratitude is also due to the majority in the Senate of the United States, for giving a ready ear and the most prompt attention to the memorials of our fellow citizens, and to those intrusted with their conveyance and care, listening to their complaints, discussing their reasons, and doing what they could to redress the grievances complained of, and this too, when the doors of the Executive mansion were peremptorily closed against the delegates of the memorialists, and those delegates sternly refused admission to the presence of the President to lay before him the representations of the people suffering under his rash, ill-advised and unconstitutional interference with the currency, and, if possible, by means of correct information, to turn him from the destructive policy he was pursuing.

Resolved, That one of the principal means employed to accumulate power in the hands of the Executive, whereby he has been emboldened thus to seize upon the public purse, tamper with the currency, to introduce disorder and distress into all the operations of business, to insult and menace the Senate, and to attempt to assume to himself all the powers of government, is to be found in the possession of the appointing power, so exercised that the whole body of officers, high and low, throughout the United States, should be made to feel their dependence upon him, and upon him alone, and all who sought for office, to look to him alone, and that both should be instructed, that, their tenure and their hopes were to be maintained only by active sub-

serviency to his will, as paramount to every other consideration, even that of duty, and the public welfare, and thus a body be established, entirely devoted to his purposes, whatever they might be.

Resolved, That the only corrective of this abuse of the appointing power of the President, is to be found in the full use of the Constitutional control of the Senate over appointments, and that in our opinion under the extraordinary circumstances in which we are placed, this control ought to be exerted and applied to the whole extent of its Constitutional limits; and particularly to every case where an appointment is made of a member of Congress, which may be suspected to be, or even have the appearance of being, the reward of conforming his representative conduct to the will of the Executive rather than to the will and interest of his constituents, or may have the effect of rescuing him from accountability to his constituents; and that in such exertion of their Constitutional control, by some signal example to which a growing and alarming abuse, dangerous to our liberties, and destructive to the principle of Representative Government, the Senate will be supported and upheld by the people, and be acting according to the true spirit of the Constitution.

Resolved, That the Senate is now the refuge of Constitutional freedom, where it must be preserved and protected until the people shall have the opportunity of extending to it their own protection by the ballot box, (as the recent elections in Virginia and New York, and the demonstrations in Pennsylvania assure us that they will do,) and while we view with admiration the constancy and ability which have so strikingly distinguished the conduct of the majority of that body, we earnestly conjure them to continue to watch and to resist the efforts of unjust power, in every shape it may assume, and to advise and approve nothing which may have a tendency to advance its schemes or consolidate its strength.

Resolved, That we appreciate, with heartfelt gratitude, the patriotic firmness of the minority in the House of Representatives of the United States, and the distinguished ability with which, under every discouragement, they have exerted all their powers to maintain the Constitution and the true policy of the country; they have been voted down by determined majorities, and sometimes cut off from discussion by the previous question, but the light they shed upon the great topics of debate, has spread through the Union, and is now rapidly making its way to the minds of their countrymen, whence it will return to the Representative Chamber, and finally triumph over the blindness of party attachment.

Resolved, That with the expression of our gratitude to the patriotic minority in the House of Representatives, we would encourage them to persevere, assured, that whatever may be the strength of the majority in the House, the great majority of the nation is already with them, and *that* is a majority that will make itself heard.

Resolved, That instead of retrenchment, economy and reform, there has been an extravagant and unaccountable increase of expenditure, until the sum expended by the government has amounted to no less a sum than twenty-two millions of dollars within the last year, independently of what was applied to the payment of the public debt—at the same time offices have been multiplied to increase the number of Executive favorites, and the money of the people has been lavishly bestowed in salaries and rewards and extra allowances.

Resolved, That the refusal of the President to receive committees of our fellow citizens, who respectfully waited upon him from various parts of the United States, to offer to him information upon the effect of his measures, and to request that his policy might be changed, so as to relieve the country from the severe distress he had brought upon it, was as contrary to true

wisdom, as it was to the regard that is due to the rights of the citizens, and equally betrays a weak mind and a despotic temper, already surrendered to the dominion of flatterers, and unable to bear the plain language of republican simplicity and truth.

Which resolutions except the third, were unanimously adopted. The third resolution was adopted, Mr. Bull of Bradford, Mr. Drinker of Susquehanna, and Mr. Frick of Northumberland, alone voting against its passage, giving as their reason that they deemed it inexpedient, but stating also that they had no objection to the principles it contains.

Mr. Reed from the committee to prepare an address to the People of Pennsylvania, reported the following, which was read by Mr. J. McIlvaine, and unanimously adopted.

Address to the People of Pennsylvania.

A Convention of delegates from the several counties of Pennsylvania, representing those of their fellow citizens who disapprove the recent measures of the National Executive, and who attribute to those measures the excitement, alarm and pecuniary distress, now pervading the country, have assembled and deliberated upon the interesting questions submitted to their consideration. From the commencement of their session to its close, the idea has been constantly present to their minds, that the occasion and the objects which called them together are of unspeakable importance to the freedom and happiness of their common country. They believe, that at no former crisis, since the Whigs of the Revolution uttered their defiance of arbitrary power, and staked life and fortune and sacred honor upon the issue, has the call been so peremptory upon all those who love their country, whatever may be the modifications of their republican creed, or whatever their party name, to rise up in defence of the first principles of the government, and, by united force and hearty co-operation, to restore the constitution and the law to their just supremacy, over the rulers of the land.

The more we have compared sentiments with each other, the more intense and deep seated has this feeling become. Under its guidance we have adopted a series of resolutions, to which we respectfully invite the candid attention of the citizens of Pennsylvania, and of the whole American people. To its paramount influence we attribute the uninterrupted harmony which has marked the proceedings of a Convention, belonging to no party in the politics of the state, but composed of individuals from almost every party, who, without yielding their own distinctive opinions, are yet prompt at the call of common danger, and ready to contend at the ballot box, side by side, for the injured principles of the constitution, and for their common rights as citizens of a free republic. To extend this feeling more widely through the state, and to produce a corresponding harmony of action upon the great national questions now at issue, is the sole object of this brief address. If our efforts be successful, the struggle for power between the people on the one hand, and their elected servant on the other, can no longer be doubtful: and a lesson will be taught, so useful to the cause of rational freedom, as to entitle this generation to the gratitude of all succeeding ages.

Have the Convention overrated the importance of the present crisis? Is it not true that our community is at this moment excited and alarmed beyond all former example—that the permanency of the Union, and the stability of republican institutions, have become subjects of fear and reasonable doubt, and that for such doubts and fears, abundant cause is furnished by the ruinous career of the national executive? Let the people judge for themselves, by reference to facts, with which all are familiar, and which no one will deny. Let them examine the doctrines asserted by the President in reference to his own powers, and say whether he does not claim the whole sovereignty of the nation and disregard

all the checks which the constitution has provided against arbitrary authority. Let them observe among the fearful omens of the times, how these doctrines are propagated by every means which an extended influence over the public press, and an unlimited command of the public treasure, have placed within his reach—how principles inconsistent with all rational liberty are openly proclaimed by his blinded and corrupt adherents, in the name of freedom, and under the guise of democracy. Let them mark how the power of the national government has been brought to bear upon the independence of the state sovereignties; and referring to their own commonwealth for an example, at once recent and impressive, account for the vascillations of its executive and its legislature, under the attractive influence existing at Washington. Let them study the history and investigate the accounts of the general post-office, and they cannot fail to perceive that the good of the people and the law of the land have been contemptuously set aside by this administration—that a department created for general convenience, has become a mere engine of party operations, its revenues squandered among hungry partisans, and its value as a vehicle of sound information utterly destroyed. Let them number, if they can, the armies of office-holders and office seekers who swarm through the country, and whose only rule of action and opinion is the command of their chief; and let them observe, how the number and compensation of officers has been increased, and these officers arrayed like a standing army, at all our elections, with the approbation of him who, while the oath of office was yet warm upon his lips declared, that to reduce the expenses of government, and prevent the interference of public officers with the freedom of elections, should be cordial objects of his administration. Let them remember that a large portion of the House of Representatives influenced by the fear of punishment, or the hope of reward, and surrendering their freedom of thought and action, have tamely passed under the yoke of the executive; and that, but for the patriotic stand which the Senate has made in the citadel of the constitution, this famed republic, the beacon light by which all other nations have steered in pursuit of freedom, would now be a monarchy in every thing but name.

That the pretensions of President Jackson, if admitted by the Senate and the people, as they have already been by the House of Representatives, would render this government a monarchy and not a republic, is evident from the paper which he presented to the Senate as an exposition of the authority claimed by the President. In that singular document he adopts as a basis the powers exercised by the king of Great Britain, when the royal prerogative was most widely extended; and, so far from recognizing the principle of our constitution, that all powers not granted by that instrument are to be regarded as withheld, he claims every attribute of sovereignty not expressly prohibited by the letter of the constitution. Let this claim be admitted, and it will be useless for Congress to enact laws, or for the judiciary to decide upon their construction. The President will understand them as he pleases: he will set them aside if they interfere with his plans—and, when some excuse for the disregard of his official oath is required by an insulted people, those immaculate advisers, who surround the throne, will find it in his zeal for the maintenance of public morality, by precept at least, if not by example.

The monarchical feelings of Gen. Jackson will be found to govern his practice in its most minute details. Like the weak kings, of whom history furnishes too many examples, we find him surrounded by a few interested favorites, who, by flattering his vanity, and stimulating his passions, maintain exclusive possession of the royal ear. Through the barriers thus created, the language of truth cannot pass, nor can his constitutional advisers expect to enter, unless upon conditions of en-

tire subserviency. Nay, the very delegates of the people of the United States, instructed to bear to the President a statement of their grievances, have either been refused admission into the palace of their Cæsar, or, when admitted, have been denied the opportunity of making known their views.

Surely the facts to which we have thus briefly adverted, and which our limits forbid us to present in detail, would afford a sufficient and satisfactory explanation of all the alarm which exists in the country. Instead of being surprised at the universal agitation of the public mind, while tyranny and corruption thus walk naked in the light of day, we should wonder rather at the patience and forbearance of the American people. And yet their causes of complaint go far beyond a mere maladministration of the general government. For the first time in the history of this country, the power of the executive has been so exerted as to interfere with the business and ruin the prospects of private individuals. The currency has been deranged, produce depreciated, labor deprived of its wonted employment, commerce and manufacture paralyzed, and this not by the regular legislation of the representatives of the people, but by the act of one man, who, in his rage for conquest, has set himself above the people and the law. Not satisfied with warfare upon co-ordinate departments of the government, he has commenced hostilities against the credit and currency of the country, by the sudden and unwarranted removal of the public deposits from the Bank of the United States. To this outrage upon rights secured by law—to the spirit in which it originated and the manner of its execution, and more especially to the total insecurity in which it has left the public treasure, and the schemes for flooding the country with worthless paper which sprung up simultaneously with the removal of the deposits, are to be attributed the unexampled pressure which all classes feel in their pecuniary affairs. By this act of the President, a wound was given to public confidence, which years will probably be insufficient to heal. In a country like ours, where capital is small, and enterprise unlimited, industry must be crippled whenever credit is shaken. The credit of our country, has not only been shaken, but almost destroyed by the conduct of the administration; and the consequences are what the most ordinary understanding might easily have foreseen, that a people who one year ago were prosperous in a pre-eminent degree, are now plunged in distress, with the gloomy prospect of almost universal insolvency. As this cause concurs, with a probable necessity of winding up the affairs of the national bank, by which forty millions of dollars must be withdrawn from active employment in the business of individuals, it fully explains all the embarrassments of which the people have complained in their memorials to Congress, and of which no human foresight can perceive their termination.

If we look first at the effects of this measure upon the commerce, industry and happiness of the country, and then refer to the reason by which the President professes to be governed, we shall be struck with surprise at the total insignificance of the one in comparison with the other. And we cannot but wonder at the reckless audacity which could hazard so many interests, and destroy so much property, in order to accomplish so little of public or private good. It is true, he puts in the foreground his extreme tenderness for the morals of the people and mourns over the alleged corruptions of the bank, as striking at the foundations of civil liberty. But why limit the operations of these feelings to the single example of the Bank of the United State? Why not restrain his own immediate officers, the friends of his bosom, and the constant associates of his councils, from influencing elections by bribery and force, and from the wanton expenditure of public money, in order to secure the succession to a candidate of their own. Why such long suffering with the abuses, and corruption, and total insolvency of the post office department; and

why his patronage of men and presses, whose daily practice sets truth and morality equally at defiance? The answer is obvious from the facts of the case. His new-born zeal for public morals and civil liberty is a single edged sword, harmless to his friends, and formidable only to those whom he considers his enemies;—and the probability is that if the Bank of the United States, had accepted his offer to become an ally in his war against the constitution and the people, the President would have discovered far stronger reasons for prolonging its existence, than he has been able to give for its condemnation and destruction.

In the preparation of this address, many topics have occurred to us, which might profitably be discussed, as calculated to throw light upon the condition of the government, and the prospects of the country: but anxious to be brief, we have contented ourselves with a reference to such prominent facts as may show the danger of our position, and the absolute necessity of some vigorous effort on the part of the people. The question next arises, what shall the people of Pennsylvania do to restore the integrity of the constitution, and regain the lost happiness and repose of the community? Let them denounce the ruinous policy of the present administration, by their votes at the next elections for Congress and the Legislature. Let them take their stand, once more, on the side of justice, liberty and reason; and supported, as they will certainly be, by Virginia and New York, they will present a force which no possible combination among the partizans of the oppressor can successfully oppose. To prepare for that election and to bring about an effective co-operation on the part of all who disapprove the acts of Executive usurpation, has been the great object of this Convention. Thus far we have succeeded beyond our most sanguine hopes, and we part with the assurance that the good work of conciliation here auspiciously begun, must go on and produce a rich harvest of good to our beloved country. We entertain no doubt, upon the evidence which surrounds us, that a large majority of the people of Pennsylvania agree with us in opinion upon the great national questions to which we have referred, and we believe that when our adversaries shall find all efforts to divide and distract us unavailing, they will retire from a contest which holds out to them no prospect but defeat.

The following proceedings were presented by the chair, which were ordered to be inserted in the minutes of the Convention.

At a meeting of the citizens of Westmoreland county, opposed to the usurpations of the national Executive, held at the house of Abraham Horbach in the borough of Greenburgh, on Thursday, the 22d day of May, A. D. 1834, James Nichols, Esq. was called to the chair, and Col. James B. Oliver appointed Secretary.

On motion, the following resolution was unanimously adopted:

Resolved, That Will'm H. King and James Nichols, Esquires, of the Borough of Greensburg—Jesse Leppincot and Christopher Painter of Mount Pleasant, Wm. T. Niccolls of Pleasant Unity, John Snodgrass of New Alexandria, and Col. Noah Mendal of Ligonier, be a committee to represent the views of this meeting to the Convention to convene at Harrisburg on the 27th inst. and that they be a standing committee of correspondence for the county of Westmoreland.

JAMES NICHOLS, Chairman.

Attest J. B. OLIVER, Secretary.

Adjourned.

The Convention met at 3 o'clock P. M.

Mr. Ingersoll, from the committee to prepare a memorial to Congress reported the following, which was unanimously adopted:

[The Memorial will be published hereafter.]

On motion of Mr. Randall the following resolutions were adopted.

Resolved, That a committee be appointed to repair to Washington to present the memorial to the Senate and House of Representatives of the United States.

Resolved, That the committee be authorized, to present to each Senator and Member of the House of Representatives of the U. S. a copy of the proceedings of this Convention. The following committee was accordingly appointed.

Committee to carry the memorial to Congress:

John Sergeant,	James Wilson,
John Reed,	John Britton,
Josiah Randall,	John G. Miles,
John P. Wetherill,	Joseph Paxton,
David Woelpper,	Robert C. Hall,
William Darlington,	Henry Drinker,
William Eyre,	James M. Russell,
William Wright,	James Taylor,
Thomas M. Jolly,	John S. Riddle,
Samuel Carey,	Charles W. Churchman,
George Weber,	George Darsie,
Christopher Loeser,	Robert Cunningham,
John Beitenman,	Thomas Williams,
David Krause,	John B. Wallace,
Frederick Eichelberger,	David M'Murtrie, jr.

On motion of Nathan Sargeant, the following resolution was unanimously adopted:

Resolved, That the Hon. John Sergeant be respectfully requested to furnish, for publication, a copy of the remarks made by him on Tuesday last, on presenting a resolution condemnatory of the conduct of the President of the United States.

On motion of Mr. M'Connell:

Resolved, That this Convention be styled a Convention of Delegates from the Citizens of Pennsylvania opposed to Executive usurpation and abuse.

On motion of Mr. Randall:

Resolved, That the proceedings of this Convention be signed by the President, Vice Presidents and Secretaries, and the several members of the convention; and be published in all the newspapers in Pennsylvania opposed to Executive usurpation and misrule.

On motion of Mr. Randall:

Resolved, That the thanks of this Convention be presented to the Hon. Joseph Lawrence, President, and his associates, Vice Presidents of this Convention, for the dignity and impartiality with which they have presided over this body.

Resolved, That the thanks of this Convention be also presented to the Secretaries, for the manner in which they have performed the duties of their office.

The Convention then adjourned *sine die*.

JOSEPH LAWRENCE, President.

Vice Presidents.
Ner Middlesworth,
Henry Frick,
John Vincent,
James M'Sherry,
George Harrison,
Frederick Eichelberger,
Neville B. Craig,
Samuel M'Keehan,
J. M. Russell,
Samuel Grosh,
Peter Addams,
David Woelpper,

Secretaries.

John Williamson,
David Krause,
Thomas M. Jolly,
William Jessup,
Edward Olmsted,
Samuel C. Tait.

From the Pennsylvania Inquirer.

THE LOCUSTS.

EXTRACT TO THE EDITOR, DATED

Philadelphia County, May 29th, 1834.

However regular the Locusts have been in the year and month of their re-appearance, they were not so exact to the day appointed them in the papers—they came forth freely on the 18th, 20th, and 22d, as well as on the 25th of May, and still continue to issue from the ground. For a few days before they were seen, their holes were opened, to the air, and the boys, by pushing down a straw or stick for a few inches, drew up the Locusts, still enclosed in their shells, grasping the extremity. In digging about fruit trees several weeks ago, numerous holes, not yet perceptible above ground, indicated the numbers preparing to crawl out, and a farmer told me, that when he ploughed an orchard, to plant early potatoes, he could have covered the potatoes with locusts, they were in such quantities; and he attributed the loss of three fine pigs, to an indigestion by consuming them. Whether this was the true cause of death I cannot decide, but that the locusts form a very acceptable variety of food for domestic poultry, is very apparent, from the avidity with which every description pursue and devour them.—I recollect being informed by an experienced sportsman, that during one of the periodical accessions of the locusts, he tried in vain for three days, to obtain a trout in the streams of Northampton, as the fish were so well fed with locusts, they would not bite at any of his baits.

I see that ducks leave the creek, and neglect food they generally desire, such as the roes and cleanings of shad, to range the woods after locusts, and when they fall upon the water, there is an eager scramble for them; while chickens and guinea fowls, rambling at a distance from the farm house, keep a sharp look-out for all that reach the ground.

A lady who recollects their last appearance says, that season was very favourable for poultry, and large quantities were raised, with little care of the hen wife.

I think all kinds of birds abound unusually in the woods this spring.

When the locusts ascend from the earth, which I think they do in the night, they crawl up some adjacent tree, fence, or other convenience, and wait the development essential to their perfection. The air, the temperature, and the vital functions with which they are endowed, increase their size and form. The colourless membrane which covers the entire body and limbs, dries, separates from the living parts, and becomes a transparent shell, which, splitting in the form of a cross upon the back and head, according to a regular and uniform structure, the winged insect appears, and gradually assumes its full colours.

In delivering itself from its original covering, it holds tenaciously by a small twig, leaf, straw, or fibre. The tail and body appear to be first released, as I have found several held by the head within the dried membrane, and some retained by a wing and leg.

In a few instances, either from positions or weakness, the ordinary processes have failed, and the locusts remain firmly enclosed in an unopened shell. Where any difficulty of this kind appears, the black ants seize upon the locust and devour them. I saw one thus attacked while yet palpitating with a vain effort to escape. These assailants know well how to discriminate; for the locusts, after being extricated from the shell, remain upon the trees to dry their wings, which gradually unfold, and gain full vigor, size and color; but the abortions are alone assaulted by the ants.

I do not know whether the locusts have originally been deposited under or near certain trees, or whether they select after issuing from the ground; but, apparently, they affect some descriptions more than others.

Their holes are mostly to be found under fruit trees in an orchard. But forest trees are covered with the living locusts. I have observed them on cherry, apple, pear, chestnut and cedar trees, in abundance; an old lombardy poplar was very full; on a small branch about two feet long, I counted 15 shells and 11 locusts awaiting their full powers; and a small stalk with leaves, not a span in length, had 12 shells on it. I have seen 3 shells crowded upon the top of each other, and these deserted. The leaves of a poison vine, running round an ash tree, were very full of exuviae, crowded upon each other, as were the leaves of the butter nut also, and those of the black oak. There are many on the rough bark of the American poplar, on the black mulberry, red maple, the leaves of which are dotted black by the late frosts; on young sassafras and dogwood. But I have not seen any shells or locusts upon the button-wood, green or weeping willow, wild cherry, hickory, shell-bark, beech, black walnut, or gum trees. The stalks of rye in an orchard, and the fields about it, are much frequented by them.

Their organs of voice, or noise, are not perfected immediately after they are extricated from the shell; they seem to require a few days rest, and increased strength, and full organization to prepare for this exertion. In the country they were heard feebly on the 25th; on the 26th and 27th more loudly; sounding in the woods with a noise something between that of a chicken-cock, when he warns his wives of a distant hawk, or expresses his disapprobation of their quarrelling, and the croaking of a tree frog. Insects of all kinds are abundant: caterpillars devour the leaves of fruit trees, and small flies anticipate us with cabbages, egg plants, radishes, &c.

30th May. The locusts continue to issue from the ground to-day in undiminished numbers—a multitude of holes, of a diameter freely to permit their passage, seem to accompany the ramifications of the roots, especially of old fruit trees, and in some places, give the appearance of an earthen sieve covered with their abandoned shells.

2d June. The cold rain on the first of June, and previously, arrested the perpetual roaring, to which the noise of myriads may be assimilated, but a slight cessation of rain and increased temperature in the middle of the day, again permitted it to resound.* I believe the organs which yield this noise are peculiar only to the males, being connected with the sides, and forming a kind of inflated, closed, crimped ruffle, which dilates and vibrates at their will. When in full roar, the chorus is like the accord of watchman's rattles and humming tops! What are the shapes which this insect assumes in its previous transformations, I am unable to state, and have no reference at hand to inform me.

*It is easy to judge of the external temperature in the morning before you rise, by the thermometer of their cries. During the northeast wind all was silent this morning—with a south wind all is noise.

SHEEP.—The following are the respective weights of ten sheep, raised and fattened by John Bradley, (formerly of Chester County) of Carnarvon township, Lancaster county.

1st.	189 lbs.	6th.	123 lbs.
2d.	146	7th.	119
3d.	139½	8th.	110
4th.	135	9th.	108
5th.	129	10th.	106½
	738½		566½
	566½		

10)1305½

130½ average weight.—Penn Inq.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII—NO. 24. PHILADELPHIA, JUNE 14, 1834. NO. 338.

REPORT ON THE CHESAPEAKE AND DELAWARE CANAL.

Fifteenth General Report of the President and Directors of the Chesapeake and Delaware Canal Company.—June 2d, 1834.

The Board of President and Directors of the Chesapeake and Delaware Canal Company, submit to the proprietors the Annual Report of the concerns of the Company, with the statement of the Treasury.

To the members of the Board, it is a subject of painful regret, that it is not in their power to make a more favorable exposition of the situation of the Company, than that contained in the present report. They, however deem it alike due to the stockholders, and to themselves, to give a brief sketch of some of the difficulties and embarrassments that have been encountered during the past year, which have been among the principal causes, by which the Company has been placed in its present position.

These causes have been of such characters, as were neither to be anticipated nor avoided; and no alternative was left but to yield to them, or promptly to meet their consequences, and as far as practicable lessen their evil effects. The latter course has been successfully adopted.

In December last, a violent storm so raised the waters of the Delaware river, that its embankments, from near New Castle to the eastern outlet of the canal, at Delaware City, were in many places swept away. The water in the canal, by the same cause, and by the increased height of the river, was also raised above its ordinary limits in the lower level, and broke over its embankments in three different places; by which the water of the canal, on that level, escaped from it, and overflowed the adjacent low grounds. This event caused not only the loss of money, necessary for the repairs of the damages sustained, but also the loss of revenue from the canal, during the time its navigation was suspended, which was for about ten days; at the end of which period it was closed for the season by ice.

In the early part of the present season, indications were shown of an extensive slip, or sinking of the earth, about to take place on the upper level of the canal, in that part of it where the excavation had been the deepest, and the spoil banks the highest.

The vast extent of this slip, it being about one thousand feet in length, and extending nearly two hundred feet back from the canal, and where the embankments were from eighty to one hundred feet above the water in it, created apprehensions that the navigation of the canal would be for a time entirely closed, by the sliding of this earth into the channel of it.

This, however, was prevented by immediately applying a large force, and removing the earth very rapidly, by which means the serious consequences of an entire stoppage of the navigation were averted. The sinking and pressure of this immense mass of moving earth, had however the effect of forcing up the bottom of the canal opposite to it, between the canal and four feet above the regular level, and consequently, decreasing to that extent the draught of water in that place. Another slip, similar in every respect, except in being much less extensive, took place nearly opposite to this one.

The same plan of operations was pursued in that case, and with like effect.

The work on these two slips had been nearly completed, and a dredging machine was employed in clearing out the earth that had risen in the bottom of the canal opposite to them, when another disaster took place, which, at first view, was supposed by most persons would close the navigation for the present season, and involve an immense expenditure in repairing the damages that would arise from it. This was a breach in the embankment which had been made across the former bed of Broad creek, for the purpose of holding up the water for the summit level of the canal. This embankment had a base of about one hundred feet, was twenty feet wide on the top, and raised about two feet above the high water line of the canal. After its stability had been tested by several years, no apprehensions were entertained in relation to it. Yet at a time when there had been no recent storm, nor other apparent cause, by which the bank could have been injured, a breach in it took place, which in a very short time was extended to about one hundred and fifty feet in width, through which, at about daylight on the 19th of April last, the water of the upper level was found to be rapidly passing out to Broad creek.

The water on this level covers a space of about five hundred and sixty acres, and was at that time upwards of ten feet in depth. Notwithstanding the velocity with which this immense quantity of water was rushing out through the opening in the bank, a dam was thrown across the western end of the deep cut, at a place called Bell Hill, and by this means about six and a half feet of water was retained, in all that part of the canal lying east of that point, being about seven miles in length, and covering probably four hundred and fifty acres.

By this operation which was promptly and judiciously effected by the superintendent, not only a large quantity of water was saved, but the serious injuries prevented, which otherwise might have taken place in the "deep cut," by the sudden abstraction of water depriving the sides of it of support—and the loss of time and cost of repairs made comparatively light.

Measures were immediately adopted, to repair, as soon as practicable, the various damages the canal had sustained. These were the breach through the embankment at Broad creek, the destruction of an abutment of the western pivot bridge, which had been swept away, and the settling and sliding into the bed of the canal of a large quantity of the towing path, which was also otherwise broken, and much injured for upwards of a mile. These damages have been so far repaired, that the navigation of the canal has been again resumed, by vessels drawing six feet water, after a suspension of thirty days, and at a cost very small, in amount to that which in the first instance was anticipated.

One of the most serious consequences of this disaster, has been the loss of water from the summit level. The excess of water held on this level, above what was necessary for the passage of the ordinary class of vessels that navigate the canal, was one of the means to supply the requisite quantity of water during the drought of summer. This has been lost, and the reservoirs, which were the remaining resources, have been

emptied into the canal to supply its present wants. If therefore, the weather should be dry during the ensuing summer months, there will probably be a deficiency of water on the summit level.

Such precautionary measures have been adopted in relation to the embankment at Broad creek, as will, it is believed, entirely prevent the recurrence of an evil, similar to that which has lately taken place, whether it may have been caused by accident or design.

The canal, locks, bridges, culverts, and waste weirs, are in the usual order, and will not, it is hoped, require any unusual expenditure this season, unless it should be hereafter found necessary still further to protect the banks, or to obtain an additional supply of water.

The various disasters that have occurred on the canal during the past year, have been the means of decreasing the revenue of the Company, and have greatly added to its expenses. From these causes, as well as from the general prostration of trade, by which the business of the canal has been materially affected, the receipts of toll for the last year have been less than the preceding year whilst the expenditures of the Company have necessarily been greater.

This state of things has created an embarrassment in the finances of the Company, which has prevented the disposal of the loan, hitherto authorized, and the payment of the interest on the loans which was due in January last, and must have the same effect on the interest which becomes due in July next. These suspended payments of interest, some of the persons to whom they are due propose to have converted into loan, payable, with interest, when the finances of the Company may hereafter enable that to be done. On this subject nothing has been determined.

Soon after a suspension of the payment of interest, a request was made by the banks from whom money had been borrowed for the completion of the canal and other purposes of the Company; that further security should be given to them for their respective loans. As the board had no disposition to cause the expenses incident to suits at law for obtaining verdicts, it was determined that judgments should be given to the banks for the amounts respectively due them, which was directed to be done, and the usual proceedings took place.

Since the last annual report, the long pending suit of Mr. John Randal, jr. against the Chesapeake and Delaware Canal Company, has been tried, and a verdict of \$226,385 84 given against the Company, after a long trial and various arguments on the legal points involved in the case. The questions that arose in the course of the trial, in relation to the construction of the contract between Mr. Randal and the Company, were very generally, in all material points, decided against the Company. To some of the decisions, vitally affecting the case, legal exceptions have been taken, which gentlemen eminent in the law, confidently believe can be fully sustained.

On the extraordinary issue of this suit, and the various circumstances connected with it, the board do not think proper to make a single comment.

Nothing further has been done in relation to this matter, since the verdict was rendered.

The tolls received since the last Report amount to \$34,091 66, principally arising from vessels loaded with the following articles, viz:

517	packets carrying merchandise.	
1152	vessels, carrying	wood 30,270 cords.
337	do. and arks, carrying lumber,	
		8,593,836 feet,
40	do. do.	flour, 13,262 barr'ls.
155	do. do.	wheat, corn, &c. 223,037 bush'ls.
418	do. do.	oysters, 8,015 tons,
2819	do. do.	cotton, iron, coal, whiskey, and other articles.
5438	passages made through the canal, from June 1st 1833, to June 1st, 1834.	

The following statement will show the number of passages through the canal, and the amount of toll received during corresponding periods of the last and the preceding years.

Number of Passages.			
		From Del.	From Ches. | Total.
From June 1, 1832, to			
Jan. 1, 1833,	2300	2325	4625
From Jan. 1, 1833, to			
June 1, 1833,	1055	1111	2166
			6791
From June 1, 1833, to			
Jan. 1, 1834,	2136	2035	4171
From Jan. 1, 1834, to			
June 1, 1834,	667	600	1267
			5438

Amount of Tolls.			
From June 1, 1832, to Jan. 1, 1833,	\$37,571 15		
From Jan. 1, 1833, to June 1, 1833,	23,789 23		
			61,160 38
From June 1, 1833, to Jan. 1, 1834,	\$42,678 32		
From Jan. 1, 1834, to June 1, 1834,	11,413 34		
			54,091 66

In almost every work of internal improvement that has been attempted in our country, losses and difficulties have been experienced; and each company have had their seasons of gloom, which have generally passed by, and given place to better times. The past year may emphatically be called the gloomy period of this Company. But still it has not been so cheerless as to forbid the hopes that it too will pass away, and that the expectations of those who have promoted this great and useful, though difficult work, may yet be realized.

After having given an outline of some of the embarrassments that have been met by the Company, it may also be proper, on the other hand, to glance at its future, and, it is hoped, its better prospects. Until the general prostration of trade last autumn, the business of the canal was increasing, and there is every probability that it will again increase, as soon as commerce is relieved from its present paralyzed state.

The opening of the Delaware and Raritan Canal, which is expected to take place in a week or two, will complete the chain of inland sloop navigation, from the north to the south; of this chain, the Chesapeake and Delaware Canal has, *hitherto*, been but an unconnected link. This event, it is believed, will be highly beneficial to the Chesapeake and Delaware Canal Company, by giving to it tolls on a portion of that immense trade between the north eastern and southern states, which now passes by the sea-coast. Although this probably will not immediately change the aspect of the Company's affairs, yet its effects will no doubt soon be felt on the revenue, and will progressively augment it. The same effect must also result from the internal improvements of the southern and western states, that are now in progress—each of which, as they become completed, will open a new channel for trade and intercourse with the north—and the Chesapeake and Delaware, and the Delaware and Raritan Canals, will probably be the great avenues through which the heavy portions of this trade must pass, and be therefore greatly benefited.

Signed by order and on behalf of the President and Directors.

R. M. LEWIS, President.
S. GRIFFITHS FISHER, Secretary.
Chesapeake and Delaware Canal Office, }
June 2d, 1834. }

At an election, held June 2d, 1834, the following gentlemen were elected for the ensuing year:—

President.

Robert M. Lewis.

Directors.

Isaac C. Jones,	John Hemphill,
William Platt,	William Phillips,
John C. Smith,	Henry D. Gilpin,
Henry Cope,	Thomas Biddle,
Algernon S. Roberts.	

LAND TITLES.

(Continued from page 361.)

Of Warrants.

A warrant must be judged of as it appears on the face of it; and whether it is sufficiently descriptive of, or locates precisely the lands in question, can only be determined by testimony ascertaining the local situation of the grounds, and the natural and artificial boundaries and marks contained therein. And the intention of the party is of no moment, unless it is reduced to writing in the warrant. But such intention may be given in evidence against the warrantee.

So determined, at Huntingdon, May, 1793, before McKean, C. J. and Yeates, J. in the Lessee of F. M. Nesbit v. Titus, Kerr and Rankin, (MSS. Reports.)

The witness was offered, to prove the parol declarations of the secretary of the Land Office at the time of issuing the warrant, the claims of Rankin to the lands in question, and his intentions in taking out the warrant; and also the applications of the witness, as agent of Rankin, to Richard Lea, the deputy surveyor of the district to cause the lands to be surveyed, and what passed thereon.

The court expressed themselves as above stated. They said it would be of the most mischievous consequences to the community to allow the two first species of evidence to be given; nor under such a practice would any one be safe in his title to lands. It would introduce every evil which the act of assembly respecting frauds and perjuries, was intended to prevent. The declarations of the secretary of the Land Office cannot have any legal operation. If any particular agreement was made, or special indulgences intended by him in behalf of the applicant, they should have been committed to writing, or inserted in the warrant, or in the written directions to the deputy surveyor to make the survey, that they might be open to the view of every one who might be desirous of investigating the title.

As to the applications by the witness to the deputy surveyor to make the survey, and what passed thereon, it is proper evidence; because it is an act done in prosecution of the title, and tends to show, that no laches, or neglect, is imputable to the party who took out the warrant, but that he makes the proper efforts to complete his title. Such evidence is constantly received. Were it otherwise, it would scarcely ever be possible to show fraud or improper conduct on the part of the deputy surveyor. In contests like the present, it is of great moment to establish that the party's pretensions have been duly followed up without negligence; that he has not lain idly by, while surveys have been made on the lands for other persons; and that when a survey adverse to his claims has been made, he has filed his caveat in a reasonable time for bringing the matter to a hearing before the Board of Property.

And in the lessee of Bartram Galbreath v. Philip Maus, at Northumberland, Oct. 1797, before the same judges, (MSS. Reports.) On argument, the court ruled, that parol evidence of party's intentions in entering an application for lands in the secretary's office, cannot be received to assist, or bolster up an indeliberate location of the lands in controversy. The efficacy of an application must depend on the written words of it; this

is the only notice the applier gives of his intentions to appropriate certain lands, and the adverse party shall only be effected therewith. Absolute, precise certainty, however, is not to be expected in the descriptions of lands to be surveyed in a new country. It has been often said, that they need only to be certain to a common intent. Yet the intentions of an applier for lands may be given in evidence against him to defeat his pretensions to the object in dispute, by showing that he intended to locate other lands. Because the mischiefs and inconveniences attending the former case, do not exist here. The rest of mankind are not prejudiced, or injured by such testimony; it only affects the party who declares his views and designs in the contract, to what particular spot he considered it as referable.

In the lessee of Irwin v. Bear and Owen, at a circuit court, Northumberland, October, 1835, before Yeates, J. The controversy was chiefly respecting the relative merit of the applications, whether they were descriptive of the lands in question.

The defendant's counsel offered to show that the original owner of the application under which he claimed, who made the discovery, was, when he made the description thereof, on a certain stream of water running through the land in question, and that the said stream of water was then considered by him, and the people with him as the second fork of Fishing creek, (which the location called for;) and that then, and sitting upon a log on the land, he made the description thereof, which was inserted in his application; which was opposed.

By the Court. Part of the testimony offered is admissible, and part thereof is inadmissible.

The sentiments of the people as to streams of water, and the names whereby they were usually called; at an early day, when the country was unexplored, may certainly be given in evidence; and due allowance will be made for inaccuracies in these particulars; but this indulgence must be confined within reasonable bounds;—it cannot vary the locality of the lands described in the warrant or application.

The decisions have uniformly been, that such inceptions of right, must be judged of *ex visceribus suis*, from what appears on the face of them. Whether they sufficiently describe, or locate precisely, particular lands, can only be determined by comparing the terms wherein they are expressed, with the natural, or artificial boundaries described therein; and these boundaries must be ascertained by evidence, either written or oral. It is of no avail what the intention of the party is, if he does not reduce it to writing when he applies for the lands; though his intention may be given in evidence against him to defeat his claim to other lands than those he really meant.

These rules are bottomed on sound policy, and conduce to justice, common safety, and public convenience. A contrary practice necessarily tends to error, litigation, fraud, and perjury. A contract is the act of two minds: it either binds both parties, or is obligatory on neither. The vendors of lands, whether they be the general lords of the soil, or private individuals, are bound by the plain meaning of their written contracts. If the description of lands be materially, or radically defective, and naturally lead to mistake, the party applying must impute his misfortune to himself. How can any man safely lay out his money in taking up lands, unless by applying to the public offices, he can discover whether the lands have been before appropriated? He cannot penetrate into the bosoms of others, nor receive information, that a particular tract not described in a location, was intended by the party sitting on a log, lying on the land! The latter part of the evidence offered, must be overruled. (MSS. Reports.)

The location of a warrant must be collected from its own words compared with the state of the country at the time; not from the terms of the Receiver General's receipt, which remains in the party's custody, and could

not operate as notice of his pretensions to other applicants for lands, before a survey is made. Peters's lessee *v. Petter*, Bedford, October, 1809. (MSS. Reports.)

A warrant describing lands particularly, but stating their situation in one county when they lie in another, is binding on the commonwealth, after receipt of the purchase money. So held in the lessee of Thomas Grant *v. Daniel Eddy*, Northumberland, October, 1796, before Yeates and Smith, Justices, (MSS. Reports.) The court observed that the name of the county must be considered as matter of description. The lines of the two contiguous counties were not run. The plaintiff knew not in which of the counties the lands would lie, and therefore designates them in his warrants in the one county, or the other. An individual conveying 400 acres of land for an adequate consideration to another, and placing its situation in the county of Luzerne; yet if it should afterwards appear, (from other precise descriptions, and adjoining lands,) that the tract intended to be purchased, was situate in the county of Northumberland. It will not be seriously doubted, that the vendor should be bound thereby, and that he is not at liberty to grant the same tract to another. Why from parity of reason, should not the commonwealth be bound by the act of their proper officers.

The court also observed, that it would be highly unreasonable to expect the same precision and correctness in the descriptive parts of warrants to take up lands in a tract of territory newly explored, as where the adjacent country had been fully settled and long known. This remark holds with peculiar force, in the description of waters flowing through a considerable extent of ground, where parts of the stream may be properly deemed main branches in reference to other parts in the newly discovered lands, but which, on taking the whole river, or creek, into view, could not thus be denominated with propriety. It has long been considered sufficient, if the warrant is so couched, as to point out the lands contemplated with certainty to a common intent. Where an object visibly marked is referred to, it reduces general and indeterminate expressions to a fixed certainty.

Of abandonment, and of shifted or removed warrants and applications.

The subject of abandonment has been incidentally mentioned in *Nesbit v. Titus*; but the circumstances under which an abandonment shall be presumed are so various, that it is necessary to a full understanding of the law on this head to give the cases pretty much in detail; and the doctrine of removed warrants will be found to be connected so much with that of abandonment, as to render it impracticable to separate them without a tedious and unnecessary repetition.

Lessee of Ephraim Blaine *v. George Crawford* and Henry Fore, Allegheny, May, 1793, before M'Kean, C. J. and Yeates, J. (MSS. Reports.)

The plaintiff founded his title on an application, dated 6th of April, 1769, No. 2860, in the name of James Byers, jun. for 300 acres of land, up the bend of Monongahela, on the west side, near or adjoining General Braddock's road. A conveyance from Byers to Blaine, dated, 28th of June, 1769; a judgment of the Board of Property on the 1st of September, 1783, (which was not shown in evidence further than as recited in plaintiff's patent.) A warrant for the acceptance of a survey said to have been made for Alexander Ross, 25th of November, 1769. On an application in his name, dated, 20th of April, 1769, No. 3116, whose right was declared to be invalidated, on Byers's application, Dec. 23d, 1784, and a patent to Blaine, 26th of Dec. 1784, reciting as above.

The defendants held under one James M'Kee, who claimed the premises under a permission granted by Captain Charles Edmonstone, commanding officer at Fort Pitt, dated, 29th of September, 1768, to the said Alexander Ross, "To settle and improve a tract of land

at Braddock's crossings, on the west side of Monongahela river, 14 miles from Fort Pitt." The foregoing application of Ross, No. 3116, calling for 300 acres at Braddock's upper crossings, on the west side of Monongahela, about 14 miles from Fort Pitt," and the survey returned thereon; the attainder of said Ross of high treason, in consequence of the act of assembly of 6th of March, 1778. A sale by public vendue by the agents of forfeited estates of Westmoreland county, (before the division of Allegheny therefrom,) to the said James M'Kee, for 35 $\frac{1}{2}$ on the 12th of March, 1784, and a patent thereon to him, reciting the above particulars, dated 29th of December, 1785.

It did not appear in evidence, that Blaine, after the conveyance to him by Byers, took any steps whatever to obtain a survey, or file a caveat against the survey of Ross, or use any diligence in following up his pretensions to the land, until he obtained the judgment of the Board of Property in 1783. But how the controversy originated before them was not shown, or whether any person was notified, or did appear, in support of the claim, late of Alexander Ross.

But it was proved by several witnesses, that the said James M'Kee, first seated himself on the land, and began to build a cabin about Christmas, 1768, which was finished in 1769; after the office opened, and originally held it by what he falsely called an improvement, which he had continued by himself or his tenants, up to the present period; and that at the time of commencing the ejectment, he had a good house, barn, stables, some meadow ground, and above 60 acres of land cleared on the farm. That an application had been sent to Philadelphia, to be entered for this land, which had miscarried; but that under an impression that the location had been sent by mistake to a wrong surveyor, the survey had been actually made for the said James M'Kee, and 5 $\frac{1}{2}$ paid for surveying fees.

It was also proved by one of the agents of forfeited estates, that the premises had been advertised for sale by order of the supreme executive council, and were publicly sold at Pittsburg, by outcry, on the 12th of March, 1784, (no one setting up, or pretending any claim or title,) to the said James M'Kee, for 35 $\frac{1}{2}$ who paid him the consideration money at that time; that he made return thereof within five or six months afterwards to the council; and that in December, 1785, he paid the money into the treasury; and Blaine meeting him in Philadelphia, first acquainted him of his having a title and patent for the lands, and desired him not to proceed on the sale, to which he answered, that having sold, and paid the money into the treasury, he was bound to go on, in discharge of his duty; that he informed the council of what had passed between himself and Blaine; but on consideration they awarded a patent to issue to M'Kee.

It was likewise shown, that the location of Ross was more precisely descriptive of the lands in question, than that of Byers; the former being better adapted to the swell of the bottom land in the bend of the river Monongahela. To obviate the objection that Blaine did not give notice of his title to the lands at the sale made by the agents, it was proved, that he proceeded from Pittsburg to Kentucky, on the 21st of November, 1783, and did not return from thence until the month of June following.

Yeates, J. (the C. justice being indisposed,) charged the jury. He observed that it was incumbent on the plaintiff to make out a good title before he could recover the lands in question; and that the real gist of the controversy lay in a proper comparison of the rights of Blaine and Ross, previous to either of the patents being issued. Applications in the Land Office, after the opening of it, on the 3d of April, 1769, are the inceptions of titles when duly pursued. Merely of itself such a location creates no right; no part of the purchase money is paid. No title vests thereby, nor does it form any contract on which the party could be sued by the proprie-

ties, or the state, until a survey is made, designating the party's pretensions by metes and bounds. When such a location is followed up with proper diligence, it will give a right of pre-emption to the lands prescribed therein. But any location may, like the imperfect title of improvement, be forfeited by abandonment or dereliction. Where there has been negligence in obtaining a survey, a subsequent location may, by due industry, defeat its operation, as to lands, which it might be supposed to describe with sufficient accuracy and certainty.

If these general rules are correct, and it is presumed they are, the application of them to the case before us, is familiar and easy. The plaintiff's location does not precisely describe these lands. It calls for the land in the bend of the river. That of the defendants is more close and descriptive. The plaintiff has been guilty of gross laches and neglect in laying by for fourteen years without getting a survey made; or making any pretensions to the lands, during which period they have been rendered much more valuable by the labors of the occupier. Ross gets a survey returned, which appears however to be made for James McKee, and paid for by his agent. If the plaintiff has suffered a survey to be made, though he might originally have included the lands in question, and not entered his caveat in due time, or made his objections thereto, he shall be postponed. Such is the practice of all courts and juries, and of the Land Office; and ought to be so, on general principles of convenience to the community. For no one should be permitted under a general, though early application, to thumb the face of a whole country, and retard its settlement and cultivation by his own negligence.

The question then, if determined on the relative merits of the titles of Blain and Ross, immediately before the latter joined the common enemy, will admit of an easy solution. The maxim "*Vigilantibus non dormientibus leges subseruiunt*," applies with peculiar force, in the case of rights founded on locations. I throw out of view the permit of Captain Edmonstone, as it does not appear that a settlement attended it, but an adverse possession has been shown in evidence.

The judgment of the Board of Property cannot alter the nature of the title; what grounds they proceeded on we know not; but this we know, that the parties interested have a legal right to contest their decision in a court of law; by the express words of the act of assembly of 5th of April, 1782; no caveat, or judgment of the Board of Property is produced on the part of the plaintiff. It does not appear that any notice previous to the hearing, was given to the attorney general, the agents of forfeited estates, or to any executive officer whatever; we must therefore conclude it to be *ex parte*, nor can I bring myself to believe, if the Board of Property knew as much of the case as we are now possessed of, they would have given such a judgment.

By the attainder of A. Ross for high treason, his whole estate, real and personal, became vested in the commonwealth, under the 5th section of the act of 6th of March, 1778, and under this law, and the supplement thereto, passed the 29th of March, 1779, the agents of forfeited estates were directed to sell the estates of traitors in a certain mode prescribed. The same laws which vested the property in the state, qualified the sale of it by the instrumentality of certain persons authorized for that peculiar purpose, and such a restriction was highly necessary for the general benefit: otherwise, highly improved lands, lying perhaps in the vicinity of the metropolis, or in the heart of the state, forfeited by the attainder of persons who had joined the enemy, might be disposed of on the common terms of vacant and unappropriated lands; which never could have been the will of the people. These acts are certainly more than directory; they are restrictive.

It appears to me, therefore, that it is an insuperable bar to the plaintiff's recovery, that he does not deduce

his title through the proper and legal conduct of sale and conveyance, supposing the adverse legal title of Ross to be most preferable. The agents of forfeited estates sold these lands on the 12th of March, 1784, and then received the money of the purchaser. It is not possible to conceive, that the commonwealth, above nine months afterwards, could convey a legal right to the lessor of the plaintiff, after they had parted with their title through the medium of agents of forfeited estates. They could not grant what they had not. And neither the state, nor an individual, can do an act, and produce an effect morally impossible in itself. The plaintiff thereupon suffered a nonsuit.

And, in the Lessee of Irwin v. Nicholls and Swan, at Westmoreland, May, 1793, before the same judge, (MSS. Reports,) in which it appeared, that the plaintiff who claimed under a location of 3d of April, 1769, had made no application for a survey until some time between the years 1774 and 1776, when, on being informed that the location was more descriptive of other lands than the lands in dispute, he declined making the survey, without any force or threats from the then holders of the land, and in fact no application for a survey was afterwards made, nor any survey ever made, and it was also sworn that the location might be supposed to describe with convenient certainty, the lands in possession of defendant, but not exclusively of other tracts.

The defendant claimed under posterior locations, and a settlement in 1770, and cultivation of the lands, but had no survey.

The court, independent of the operation of the limitation act, recognized the same principles, and observed, that a location independent of due diligence being used to obtain a survey, or to prosecute the claim of the party, gives no legal, or equitable right to the pre-emption of lands. It is of itself no title. Like the fancied land jobbing improvements of girdling a few trees, or picking some brush heaps, such applications give no equity; and when deserted and abandoned, like them, they afford not a shadow of a right. The party by his negligence and laches, forfeits all his pretensions to a claim, which, if duly pursued, would be the inception of a title.

So, in the Lessee of Henry Drinker v. William Holliday, Huntingdon, May, 1796, before Shippen and Yeates, justices, (MSS. Reports.) The court in their charge, laid down the general doctrine, as follows, "Much will depend on a party's pursuing his pretensions on a warrant, or location, with due diligence; where he is guilty of delay and laches, his claim to particular lands, which he might otherwise secure, shall be postponed to a subsequent warrant and survey, aided by vigilance and industry."

When a survey has been made, which is supposed to be injurious to another claimant, he ought to file his caveat, or institute his suit in a reasonable time, or account satisfactorily for his neglect. Failing herein, he shall suffer for his negligence; and particularly so, where his adversary has proceeded to complete his legal title, or bestowed considerable labor in improvements.

The case of the lessee of the reverend John Ewing v. Daniel Barton, furnishes a striking instance of an abandonment, different from that of adverse locations.

Both parties claimed under the same application, in the name of Nathaniel Breden, 3d of April, 1769. The defendant was a tenant under the heirs of William Ross, deceased.

It was proved that the name of Breden was made use of by Dr. Ewing, and that the original application was in his hand writing. Indorsed, "John Gallo-way."

A survey of 334 acres was thereon made by William Scull, on the 27th of June, 1772, but at whose instance or expense did not appear. It was returned on the 27th of October, 1772, for William Ross, and a patent issued to him on the same day.

A certain Nathaniel Breden conveyed the location to William M'Cord, on the 7th of August, 1772, in consideration of five shillings, and M'Cord conveyed to William Ross on the 27th of September, 1772, in consideration of 200*l*. Both deeds were recorded on the 3d of July, 1784, and it appeared, that in the spring following his purchase, Ross began to improve on the lands, cleared six acres, and fenced the same, and built a house thereon. He had occupied the lands ever since by his tenants, and had paid all the taxes. It was shown, that at the time of trial, there were on the place, between 80 and 90 acres of cleared lands, a large house and barn, a good orchard, and six acres of meadow made thereon.

The plaintiff claimed under a conveyance from another Nathaniel Breden to Dr. Ewing, in consideration of five shillings, dated 20th of October 1773, and recorded 9th of February, 1793; and this Breden swore that Ewing had made use of his name, and that he had made a conveyance to no other person.

The acknowledgment of M'Cord, that he had procured a person to assume the name of Breden, and personify him, was given in evidence by the deposition of another witness.

But the court said this part of the deposition ought not to have been read, and could have no weight in the cause; because M'Cord if living, could not have been received as a witness to invalidate the deed he had executed, nor shall his subsequent confession, after his death, be received for such purpose. Several other witnesses swore, that M'Cord was a reputable man, and of a good moral character.

The court gave it in charge of the jury, that the only question which occurred, was, whether the location had been followed up, with due diligence by Dr. Ewing, for if he has been guilty of neglect and laches, he has forfeited his pretensions to the land. In ejectment it became the indispensable duty of the plaintiff, to establish his own title, against the defendant's possession.

If the survey had been made at the expense, or by the procurement of Dr. Ewing, it was capable of proof. It could not be presumed that it was made by the Breden, under whom he claimed, because he was a mere nominal person; and his deposition, moreover, has been read. The survey preceded the assignment to M'Cord only one month and ten days, and might have been made with a view of a sale to Ross; no claim is made while the defendant's landlord is paying taxes, and laying out large sums of money for the improvement of the lands; no suit is brought until October term 1793, in the common pleas: nor does it appear that Dr. Ewing made any effort whatever, respecting his claim, till near twenty years after the assignment of the location to him.

The case also appeared to be within the words and intention of the limitation act passed on the 26th of March, 1785. Though there is a survey on this application, it is not shown that it was effectuated by the lessor of the plaintiff, or that he ever attempted to make one; and therefore it shall not enure for his benefit. The survey is adverse to his title; has been returned for Ross, and the legal title is now vested in his heirs. There was a verdict for the defendant. *Northumberland, May, 1798, before Shippen and Yeates, justices, (MSS. Reports.)*

In the Lessee of Daniel Gripe, v. Reverend David Baird, Huntingdon, May, 1805, (MSS. Reports.) Yeates J. laid down the following as a general rule.

"When there has been negligence in obtaining a survey, a warrant or location, generally descriptive, but vague in its terms, must give way to a subsequent warrant or location, equally vague whereon a survey has been made; or to a subsequent precise warrant and location, even without a survey, where it accurately describes the lands."

In *Lowrey's Lessee, v. Gibson*, before cited, it was

held, that one having a warrant, and not following it up with diligence, but silently permitting others to improve, shall be postponed.

Lessee of John Irwin, v. Andrew Moore, Westmoreland, May, 1797, Yeates, J. (MSS. Reports.)

The lessor of the plaintiff grounded his pretensions on a military permission of Captain Charles Edmondson, commanding officer, at Fort Pitt, to him, dated 18th of September, 1767, "To improve and occupy a plantation and tract of land for himself, and one for his relation or friend, on the south side of the great road, near the mouth of Bushy run, in Beyerley's neighborhood, he paying forty shillings yearly, if demanded, and subject to the regulations of the commanding officer at Fort Pitt, for his majesty's service." In pursuance hereof, Irwin in 1768, built a small cabin, cleared one acre of ground, and made a small deadening on lands about half a mile distant from those in question, and a quarter of a mile from his present place of abode, and had a tenant in the cabin for some little time.

On the 25th of July, 1769, he filed two applications in the Land office, one marked, No. 3663, for 300 acres on the waters of Brush creek, on the southwest side of the new road, joining land of Thomas Lyons, and from thence extending down the run to Brush creek, in his own name. And the other, No. 3655, in the name of James Irwin, for 300 acres on the waters of Brush creek, bounded by lands of John Irwin and Christopher Rudeback, under this latter application he claimed the lands in dispute, and gave some slight evidence of a survey thereon, which was strongly controverted.

The defendant claimed under an application of Casper Geyer, for 300 acres on the head of Sewickley, about four miles from Beyerley's, entered on the 3d of April, 1769, No. 105, and a survey thereon of 301½ acres, made 10th of April, 1770, and a patent dated 14th of August, 1770. He also gave in evidence a recovery in ejectment by the lessee of Casper Geyer against the said John Irwin, of the premises, at November assizes, 1788, by counsels confessing judgment to the plaintiff.

It was asserted by each party, that the application of his adversary did not describe the lands in dispute, but was intended for another tract; and evidence was given on both sides as to this point. The defendant insisted, that the military permission not being followed by a settlement, gave no preference.

The court submitted the respective locations to the jury, who were to determine as a question of fact, which of them was most applicable to the controverted grounds. They laid it down in their charge, that a precise, close, descriptive warrant, or application, would take place of a general, loose, indescriptive one, though earlier in number or date; but a warrant or application of the latter kind, even though shifted at a distance from the spot seemingly called for therein, if fairly surveyed, returned and appropriated by the proper authority, when there was no intervening, opposing right, will hold and secure the lands; because no injury is thereby done. In general, convenient certainty to a common intent, is as amply sufficient in cases of this nature; and in a country newly explored, it would be highly unreasonable to expect, that applicants for lands should furnish minute descriptions. Those persons who are entitled to a preference in lands, under a military permission, must be such as have made actual settlements thereon. This is the express language of the exception in the law of 3d of February, 1768. *Governor Penn's proclamation* of the 24th of the same month, and of what is called the preamble to the opening of the Land Office on the 3d of April, 1769. In what other manner could those claimants conduce to the more convenient accommodation of the soldiery, or other? and if in the present instance, a claim of pre-emption is set up, under Captain Edmondson's licence,

must not the conditions thereof, of "improving and occupying" the same lands, be fully complied with? Verdict for defendant.

In the case of the Lessee of Jesse Funston v. John M'Mahon, Northumberland, October, 1797, before M'Kean, C. J. and Yeates, J. Both parties claimed under removed or shifted applications. A survey was said to have been made on the plaintiff's application on the 6th of June, 1771, but it did not appear how, or when it was returned into the Surveyor General's office.

The defendant's survey made in July 1782, on which a warrant of acceptance issued 20th of February, 1790, and a patent 23d of February, 1790.

It was much contested, whether any survey had ever been actually made on the plaintiff's application; but the verdict was for the defendant on other facts in the case, not illustrative of the present subject; yet the doctrine of removed warrants was one of the points, and was fully debated.

For the defendant it was contended, though, that by the usage of the proprietary Land Office, before the revolution, a deputy surveyor might shift a lost location to other lands, where there was no prior right, yet no contract took place as to the lands surveyed, between the proprietaries and the individual, until the time of issuing the warrant of acceptance. Then the title first commenced, the original contract having been for other lands. There is no similitude between this case, and that of removing warrants, where the money has been paid in the whole or in part, before the warrants issued. Here nothing has been paid to the late proprietaries, or the commonwealth, by the lessor of the plaintiff, in order to raise an use, and the owners of the soil could not compel the payment of the purchase money under such circumstances.

For the plaintiff, it was answered, that it has been admitted by the defendant, that his title first began with the warrant of acceptance on the 28th of February, 1790. If the plaintiff's title is earlier and better, it ought to be preferred. The general practice of all the deputy-surveyors, in shifting lost locations, is perfectly familiar to the whole country, and was never questioned before the Revolution. If no private person could claim any right, or interest in the lands so surveyed, there could be no pretext of injury or hardship done to any individual; and the proprietaries attained their object, by disposing of their lands. But it was necessary there should be a return thereof made into the Surveyor General's office, to operate as constructive notice to other applicants. For if one ignorant of the survey made, should apply for the same lands, and obtain a survey, before the former was returned, the latter would be entitled to a preference. Many valuable titles in this state depend on these grounds, which it would be dangerous to impeach. The return of a survey, fairly made by a deputy-surveyor, into the Surveyor General's office, is *ipso facto*, an acceptance thereof unless a contrary intent is expressed at the time. It becomes the duty of the proper officer to examine the returns immediately, and if the dissent therefrom can be deferred for a length of time, why may it not be deferred for thirty or forty years, after making the most valuable improvement thereon?

There can be no real difference between warrants and applications shifted. When a survey is made under the former, on different lands from those designated therein, a warrant of acceptance is there also necessary. It may there, with equal propriety be said, that the first contract was for other lands. Yet the surveys made both on warrants and applications, shall be presumed to be with the consent of the party, unless the contrary be shown; and indeed in most instances, they are directed either by him or his agent. Hence, on the return of surveys, either on a warrant or location varied, a new contract for those lands may fairly be said to be agreed upon by the proprietaries and the

individual, the deputy of the former having made the survey, subject to the approbation of his constituents.

M'Kean, C. J. gave in charge to the jury, that the plaintiff made pretensions to the land in question, on a removed application, without showing how, or when the survey was returned into the Surveyor General's office, without ever having been in possession of any part of it, and without having paid one shilling of the consideration money. It was incumbent on him to have shown, at least, when the surveys were returned, if he claims under the usage spoken of. It would seem, however, that something more is necessary, than a mere return of survey on a shifted application, to vest an equitable interest. The bare act of the deputy-surveyors alone could not give a title by surveying lands on a spot not called for by the order. Until a patent issues, there is no complete legal right; and then the patent refers back to the previous application or warrant. The defendant is possessed of this patent, and has paid a large consideration therefor, and has many valuable improvements, without any knowledge of the plaintiff's claim.

Yeates, J. subjoined. We lay down no general rule on this subject. Several suspicious circumstances attend the plaintiff's survey, and it is highly dubious whether it was actually made on the ground. It is admitted by plaintiff's counsel, that a chamber survey cannot vary the description in the application, and that the real survey must be returned into the office of the Surveyor General. The time when the survey was returned, becomes important to the time decision, and it lay on the plaintiff to show it satisfactorily. Unless there has been an actual survey, and that too returned before the defendant's warrant of acceptance, the plaintiff is not entitled to recover.—I agree there must be something more than an actual survey by the deputy to vest the equitable interest on a removed application.—But it rather appears to me, that the return of such a survey, fairly and duly made, is *prima facie* evidence of its acceptance by the proper authority. (MSS. Reports.)

The above case was cited in Armstrong's lessee v. Morgan, at Huntingdon, May, 1803, before Yeates and Smith, justices, to prove that on indescriptive orders, the legal right did not resist until the return of survey.

Yeates, J. That case is perfectly familiar to me. The applications on both sides designated other lands than those in dispute. The members of the court disagreed in opinion. M'Kean, C. J. held, that until the warrant of acceptance issued, no right vested in the party, on a shifted application. I thought, that the return of the survey was *prima facie* evidence of the acceptance; and I still adhere to that opinion. But it has been always understood, that on an indescriptive location, wanting precision in its terms, the interest vests from the time of survey.

Smith, J. Such has been the invariable rule on vague warrants or applications, on shifted locations the title does not vest until the return of survey into the Surveyor General's office, unless the owner of the adverse title had notice of the survey prior to the commencement of his right. And so have been the different adjudications that I know of. (MSS. Reports.)

And in the lessee of William Bell v. Robert Levers, Northampton, June 20, 1800, before Shippen, C. J. and Yeates, J. MSS. Reports.—The chief justice delivered the opinion of the court, on this subject, in the following terms.

The fatal exception to the defendant's title consists in his not obtaining a return of his survey into the Surveyor General's office, which was executed on grounds different from those called for in his application. The due diligence of persons who take up lands in this mode, forms an essential feature in constituting their rights. Hence where negligence occurs, a subsequent order of survey, industriously followed up, may defeat the operation of a former one, which, in the due course of

business, might be supposed to describe the lands with convenient precision and certainty. It lies in the power of no individuals to lock up the Land Office against the settlement of the country, or other applicants by their wilful neglect and delay.

It has long been the settled usage and practice, both before and since the Revolution, for deputy surveyors and their assistants to remove lost locations to other lands, where there were no existing, prior, opposing rights. No jury was done thereby, either to the lords of the soil, or to individuals. The pretensions of the party were thereby ascertained, and the contract was completed on his part, but subject to be annulled on the return of survey. But it has always been deemed essential in cases of this nature, that the returns of such shifted surveys should be made in a reasonable time, in order to prevent others from bestowing their labour and money in a fruitless pursuit of the same lands.—Without such constructive, or actual notice, what footsteps remain in the proper offices, to guide the inquiries of subsequent applicants? The terms of the prior applications afford no light whatever. A mere survey on a lost location, removed from the lands for which it was originally designed, has no more efficacy and consideration, than a pocketed application, which, it is universally admitted, can give no title. Such have been the uniform decisions of the courts of justice, founded on the fair principle of plain sense and common honesty, and highly conducive to the security of landed titles. The establishment of the rule tends to certainty, and the prevention of law suits, and we are bound to follow it. S. C. 4 Dallas, 210.

While one set of judges, in one part of the State, was recognizing and deciding upon these principles, another set at the same period, in a distant county, was recognizing and adopting the same law. Thus at Mifflin, May 20th, 1800, in the lessee of Abraham McKinney v. Jacob Houser, before Smith and Brackenridge, justices. (MSS. Reports, 8.)

Smith, J. in the charge to the jury, pronounced as follows:

In this cause, the title of 300 acres of land is in litigation; you are informed of the situation by a view; we will lay down some general rules, of which you will judge as to their application to the facts. It is of importance that the rules of property should be certain and known, and unless they are so, no country can prosper. We have in many instances, no cases in point, regulating all disputes. We have to take property from the foundation, which is not the case in that country from which we derive our laws. Our experience is so short, that few general rules can be laid down, clear of exceptions. We must take such as our best experience warrants. That experience, then directs what I have here laid down to the bar as general rules. I now repeat the same observations to you, and you, only, can be the judges whether they apply to the facts in this case.

1. If the location under which plaintiff claims be descriptive of the land is question, and the survey made in fact before the date of the warrant under which defendant claims, although not returned, the plaintiff would clearly be entitled to recover. So, if it describes the land with reasonable certainty.

2d. If the description in the location be vague, and not descriptive of other land, yet the deputy surveyor, the public agent of the owner of the soil, must have a certain degree of discretionary power; and if he has reduced that to a certainty, which was uncertain before, and before any other appropriation of the land in question, it may, if returned in a reasonable time, hold the land surveyed; much more if it described the land with convenient certainty.

3d. If the location be what's called a lost location, that is the land described by it taken by a prior title, it was very generally the practice at the time this survey was made, (1775,) to survey other vacant lands in the

vicinity, on such lost locations; and surveys were never refused to be accepted in the Land Office, although the surveyor had no direct authority for making them. It was a title acquired by the connivance of the proprietary officers for the ease of the public, and to avoid expense; but such surveys being fairly made, and known to be so, by any one applying for an adverse title before he made such application, and returned without delay, the owner of such application would hold the land against the person so knowing of his title. When I say plaintiff, or defendant, I include all those under whom they respectively claim.

4th. But if the plaintiff's survey was made on a warrant or location descriptive of other land, and without the knowledge of defendant, before the warrant under which he claims was obtained, if such warrants are certainly descriptive of the land, they would hold it against such latent survey, even if the owner of it should know it, before his survey. But if such warrants are not descriptive of the land; if they are descriptive of other land, the owner of them is just in the same situation as is the owner of the location, and the same rules apply.

In ejectment, the plaintiff must recover his own title; and though defendant has no title, his possession is good against all but him having a good title.

The plaintiff's counsel is a location, &c. If this location be descriptive of the lands in question, he would be entitled to recover. A location is no title, but the inception of a title; but in those early times money was very scarce; and in many cases, those who held titles by location, could not pay the fees of surveying, and many would not apply for the survey to be made, until they were able. Whether this is descriptive of the land in question you only can judge. In this case the location is for land adjoining a survey within the old purchase. It does join a survey in the old purchase; but if the survey is particular which it calls for, it is our duty to state it to you; you must consider what weight this has. We must only give you the evidence.

There is a singular circumstance respecting the survey, and I think it highly probable that this dispute has arisen from gross neglect, if not misconduct in the surveyor. As he is not here, we can only state it. If he were alive, he could probably explain it. We must adhere to the general principle we have laid down, "if the survey be fairly made."

Nothing more is done on this survey, except the conveyance of the land to the father of the lessor of the plaintiff.

Defendant has a warrant, &c. If his title depended on the descriptive part of this warrant, it would be very vague. For there can be no certainty in calling for a survey of Reuben Haines. In 1775, a survey was made by C. Lukens. We presume it was returned in April, 1776, instead of 1775, as endorsed; the rather, as the patent issued in June that year to S. B. Here let the original description be what it will, the rule we have laid down applies to both parties; and unless there is some obstructing circumstance, the defendant by his possession must hold the land.

If the plaintiff's title describes the land in question, and the survey fairly made, he would hold the land notwithstanding the defendant's patent. But unless you find it does so, our principle must apply. The verdict was for defendant.

This is called a leading case, and always cited and recognized, when any of the four points come in question.

And, in Kyle's lessee v. White, it is held by the chief justice and concurred in, that in case of a survey on a shifted location, it is good against a person who had actual notice before the commencement of his title, even although the survey was not returned. 1 Binney, 249.

And see the same points recognized and confirmed, in Hepburn's lessee v. Levy, 4 Dallas, 218, and Miles'

lessee v. Potter, 2 Binney, 65. In which latter case it was also held, that where on the 28th of July, 1773, A. took a warrant from the Land Office, descriptive of certain land, but which was surveyed on other land the 15th of June, 1774. The survey was returned before the 26th of August, 1783; for on that day an endorsement was made on the return, by a clerk in the Surveyor General's office, that "A. believed the survey wrong laid, and requested the surveyor to adjust it, which he had agreed to." On the 17th of September, 1787, A. applied to the Board of Property for an order to survey his warrant upon the land it called for, which was granted, and the survey was accordingly made on the 26th of November, 1787, and returned 27th of February, 1788.

On the 26th of October, 1772, B. took a warrant descriptive of certain land, on the 19th of June, 1785, surveyed it upon land it did not call for, namely, on the land called for in A's warrant of 1773, the premises in the ejectment. The survey was returned into office, probably in 1785, or 1786, but at the latest on the 9th of June, 1787, and was patented 14th of January, 1788.

Held, that A. by his neglect, to follow up his objection to the survey made in 1774, had lost his claim to the land described in his warrant of 1773, and that B. was entitled to recover. That it was too long to suffer the matter to rest from August, 1783, to September, 1787, and in the mean time the land had been appropriated by B.

(To be continued.)

MEMORIAL OF THE STATE CONVENTION TO CONGRESS.

The following is the Memorial presented to Congress by the Delegates appointed for that purpose by the State Convention lately held in this place, (Harrisburgh.)

A numerous body of the citizens of Pennsylvania assembled at the seat of their State government, ask leave respectfully to offer their Memorial to the Senate and House of Representatives of the United States. In assembling together and adopting the present measure, they are obeying the instructions and uttering the voice of their suffering fellow citizens of every section of this wide spread commonwealth. Out of the twenty-six Congressional districts, twenty-five are represented in the convention. The fullness of the representation may be judged by the numbers of your memorialists, who have left their occupations and their homes at a moment when, in consequence of the distress which pervades every part of the State, a departure from either is attended with peculiar inconvenience and embarrassment. They have yielded however to the commands of their friends and neighbours without regret for any personal sacrifices, and they have met together to confer upon the grievances which are endured, and to devise if possible, the means of alleviating them. Your honorable bodies are not now to learn the distressed condition of any portion of the country. It is long since we have seen recorded in your journals the receipt of petitions from more than a hundred thousand citizens, all uniting in one mournful but unquestionable story of suspended wages, lost credit, increasing wants and diminished means to supply them—which have left their deep and perhaps indelible impression in every portion of a heretofore prosperous and smiling land. These communications springing, as they have done from various quarters, and dictated by no concert or co-operation except that which flows spontaneously from a common state of calamity, your memorialists have now the painful opportunity fully to confirm. They have brought together the disastrous tidings which have been collected in each distinct section of the commonwealth. They have opened to each other freely their swelling hearts,

and they have sought in vain for one mitigating circumstance in possession or in prospect, for one exaggerated representation or distorted fact in the numerous exhibitions of deep felt suffering which have been made to Congress, and they have found only aggravation in the conviction that the suffering has been altogether unnecessary and unmerited.

As Pennsylvanians, your memorialists contemplate with anguish the neglect or destruction of unlimited resources, which are now worse than thrown away. The cherished policy of the state, consisting of an encouragement of her manufactures, has become impracticable and delusive—for there is no longer a market for the sale of them, or a reasonable probability of being paid for them if they could be sold. The consequence is, that numerous establishments of that description are actually closed, and others remain in partial operation with crippled strength, performing but a fraction of their accustomed labor; and struggling even in that feeble and imperfect condition, not in the belief that any return of profit can be realized, but clinging to the possibly delusive hope that infatuation itself must one day or other be brought to perceive and to abandon the error of its way.

Your memorialists do not mean to dwell for a moment upon the loss sustained by the proprietors, severe and afflicting as it is—unjustly and tyrannically as it has been decreed. They are able in many instances to stand up against the shock beyond the reach of utter ruin, and they are awaiting in such cases with becoming fortitude the return of better times. Pennsylvania happily rests upon resources which the rudest storm cannot in a moment sweep away. But your memorialists anxiously desire to communicate to your honorable bodies some portion of the feeling with which they are animated for a large class of labouring poor, whose daily bread depends upon the constancy of their employments and the certainty of their reward. In the city of Pittsburgh and its immediate vicinity, two-thirds of a population of thirty thousand inhabitants owe their livelihood to manufactures. The suspension of the forge and the loom, which has now occurred, debars a large portion of this vast mass of human activity and strength from occupation, and consequently from support; and many of them must be cast out to starve, unless a Providence juster and more benignant than their rulers, protects them in their day of need.

The staples of the commonwealth are without a market. Many of its once flourishing mines are in a great degree abandoned, and their miners are generally dispersed. Iron and cotton are no longer manufactured to the extent of more than two thirds of their former produce. Lumber, if it sells at all, sells at greatly diminished prices. Four out of five of the furnaces of an extensive glasshouse at Kensington, are extinguished, and the fifth is kept in blast chiefly that the numerous apprentices may continue to enjoy the means of instruction and beneficial exercise. If flour retains its price, it is owing to the additional calamity of its scarcity, in consequence of which the supply has been reduced in proportion to the demand. Turn where we will, your memorialists perceive one universal scene of present or impending ruin depressing the energies and darkening the prospects of the citizen.

It is scarcely necessary at this time, to trace these deeply seated and wide-spread mischiefs to their source. Under a solemn sense however of the responsibility which we owe to our constituents, and to your honorable bodies, we do not hesitate to confirm the imputation which has been so often communicated to Congress. Until a series of measures, on the part of the Executive of the Union, hostile to the best interests of Pennsylvania, were consummated by the last fatal blow aimed at the Bank of the United States, in the removal of the deposits to the custody of other institutions, all was prosperous and marked with plenty. The energies of our commonwealth, and, as we believe, of the whole

nation, became palsied from that hour. Your memorialists must therefore ascribe the sufferings to which they have adverted to that ill-advised measure consequent as it was upon, or connected with a system of hostility pursued towards the national bank. The measure would probably have been sufficiently disastrous of itself; but when it bore every appearance of being united with a stern and unrelenting disposition to break down the barriers of the constitution, it was fraught with ruin to the brightest hopes of the nation.

As other memorialists have been denied access to the executive, we cannot hope for succor from the quarter where we should otherwise most naturally have looked for it; to which we have undoubtingly ascribed the sufferings of our constituents. We therefore make our appeal directly to the Legislature. We approach your honorable bodies with the deference and respect that are due from citizens to the representatives of the sovereignty of the American people, but with the firmness and independence of freemen, suffering under the weight of accumulated wrongs; conscious of the purity of our motives and the righteousness of our cause. We are no less representatives of the people than yourselves; selected indeed at the moment of suffering; without the reproach of having in any degree contributed to it; and unhappily without the means of extending relief. We approach you under the deepest conviction that it is fully within your power to redress the evils of our common country, and that it is your most sacred duty to put forth your arm and exercise that power. We rest upon the right which is guaranteed to us by the constitution to remonstrate against grievances, where complaint must lawfully be heard; to demand relief where alone it may be found.

We believe, and so communicate to you, that the measure especially complained of, was in direct violation of the Constitution. That, that Constitution gives to the Executive no sort of control over the treasures of the nation. That in assuming such unauthorized control, an act has been committed of lawless usurpation, and high handed tyranny; and that the co-ordinate branch of the government whose peculiar rights have been invaded, owes it to the nation and itself, effectually to vindicate them. We believe, moreover, and we assert with the confidence which the constitution and the cause inspire, that should the Legislature deny the redress we call for, and refuse to rescue the bleeding country from the effect of wounds thus wantonly inflicted, it will participate in the exercise of arbitrary power.

Could your memorialists discover for the act complained of, one feeble pretence in reason or in law, they would summon to their assistance the best consolations of patriotism, and patiently abide by the redress which the elective power may afford. But when they are referred to no authority, and are informed of no danger to justify or excuse the act; when they are told that their constituents are to be involved in ruin—that the constitution of their country is to be invaded—that the best hopes of a happy people are to be blasted for the sake of an *experiment*: and when that experiment has done its office, and has proved itself to be altogether disastrous, they cannot, because they feel they ought not to, delay to throw themselves upon Congress for ample and immediate relief. Should it be delayed one single hour, distress will be greatly aggravated. Should Congress rise without specific measures to carry the balm of consolation to the hearts of your desponding countrymen, the extent of the calamity it would be impossible to foretell.

The representatives of Pennsylvania are especially called on to listen to the mournful voice of their suffering fellow citizens. They will not surely turn a deaf ear to the cry of supplication, speaking from so many thousand tongues. If they can, let them listen to the voice of warning. This convention is composed of two hundred and fifty members—of whom two hundred and

eight have been in attendance. Of the whole number not less than seventy-five have heretofore been friends and supporters of the chief magistrate, whose acts have plunged the nation into deep calamity. They have deemed it due to their love of country, to hold fast by the constitution through evil and through good report; and when a President, to whom they have been ardently attached, forgets the tie—infinity stronger than the strongest tie of personal devotion—that ought to bind him to his country and her laws, they deem it equally their duty to cast him off forever.

Your memorialists are well assured that a single act of Congress, calculated to give renewed confidence in our institutions and to ensure to them respect and obedience hereafter, would at once arrest the progress of distress, and restore happiness to the people. The violation of the constitution, like the sudden blast of death, filled the whole nation with dismay. The application by Congress of the remedy, which is completely within their power, will dispel with magic influence the shades which now envelop the country. Your memorialists confidently believe, that the restoration of the deposits to their only proper depository—or an unequivocal act disapproving of their removal—or an act re chartering the Bank of the United States—or *any act* which shall effectually restrain the Executive from carrying on hostilities against the policy of Congress, and the peace and welfare of the country, would afford relief; the want of which is so sorely felt, and the possession of which is so anxiously required. And they respectfully pray that one or all of such acts may be passed.

APPENDIX

TO THE REPORT OF THE MINORITY OF THE BANK INVESTIGATION COMMITTEE.

No. 1.

Philadelphia, North American Hotel,

April 23, 1834.

Sir—I have been directed by the committee appointed to investigate the affairs of the Bank of the United States, to enclose to you the accompanying copy of a resolution of the House of Representatives of the U. States, and to inform you that the committee will be prepared to visit the Bank of the United States to-morrow, at any hour that will be agreeable to you to receive them, to commence the discharge of the duties assigned to them.

I have the honor to be,

Very respectfully,

Your obedient servant,

FRANCIS THOMAS,

Chairman Committee of Investigation.

N. Biddle, Esq.

President Bank of the United States.

Resolved, That, for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections, and whether it has had any agency, through its management or money, in producing the existing pressure, a select committee be appointed to inspect the books and examine into the proceedings of said Bank, who shall report whether the provisions of the charter have been violated or not, and also what abuses, corruptions, or malpractices have existed in the management of said Bank, and that the said committee be authorized to send for persons and papers, and to summon and examine witnesses on oath, and to examine into the affairs

of the said Bank and branches; and they are further authorized to visit the principal Bank, or any of its branches, for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business; and that the said committee be required to report the result of such investigation, together with the evidence they may take, at as early a day as practicable.

Bank of the United States, April 23, 1834.

Sir—I have had the honor of receiving your letter of this day's date, with a copy of the resolution of the House of Representatives of the United States, passed on the 4th instant.

I shall forthwith call a special meeting of the Board of Directors of the Bank, at nine o'clock to-morrow morning, when these papers shall be submitted to them, after which a communication on the subject shall be made to you.

In the mean time,

I have the honor to be,

Very respectfully, yours,

N. BIDDLE, President.

Hon. Francis Thomas,

Chairman Committee of Investigation.

No. 2.

Bank of the United States, April 24, 1834.

Sir—I am directed by a Committee of the Directors of the Bank of the United States to send you the enclosed copy of a resolution, adopted this morning by the Board, at a special meeting, convened in consequence of your communication of yesterday to the President, and to inform you that the Committee will immediately direct the necessary arrangements to be made for the accommodation of the Committee of the House of Representatives of the United States, and will attend at the Bank to receive them at 11 o'clock to-morrow morning.

I have the honor to be,

Your most obedient servant,

JOHN SERGEANT, Chairman.

To the Hon. Francis Thomas,

Chairman Committee of Investigation.

Resolved, That a Committee of seven members of the Board be appointed to receive the Committee of the House of Representatives of the United States, and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the proceedings of the Corporation according to the requirement of the charter.

The following Directors were then appointed to compose the said Committee.

Mr. Sergeant, Mr. Eyre, Mr. Lewis, Mr. Neff, Mr. Chauncey, Mr. Cox, Mr. Henry.

No. 3.

Friday, April 25, 1834.

Mr. Sergeant offered to the Committee of the House of Representatives the assistance of the Committee of the Bank, in giving every facility to the prosecution of their inquiry. Mr. Thomas then presented to the Committee of the Bank the following:

Ordered, That the President of the Bank of the United States be requested to furnish the Committee with a list of the books of the Bank, with an explanation of the purpose for which each is designed, and the names of the clerks to whose care and custody they are respectively committed; and, also, a copy of the by-laws now in force in the Bank, and of the by-laws in force prior to the first Monday of December, 1829.

No. 4.

Bank of the United States, April 25, 1834.

Sir—I have had the honor to send you, agreeably to your request, "a list of the books of the Bank, with

an explanation of the purpose, for which each is designed."

In regard to the remaining part of the inquiry, "the names of the clerks to whose care and custody they are respectively committed," I am instructed by the Committee of the Board to say, that these books are not understood to be in the care and custody of the clerks, but in the general custody of the Board. The names of the clerks who make entries in them, and for that purpose have possession of them during the hours of business, are added to the list of the books.

I also enclose "a copy of the by-laws now in force in the Bank, and of the by-laws in force prior to the first Monday of December, 1829."

I have the honor to be,

Very respectfully, your ob't sv't.

JOHN SERGEANT, Chairman.

The Hon. Francis Thomas,

Chairman of Committee of Investigation.

No. 5.

Bank of the United States, April 26, 1834.

Sir—In compliance with the direction of the Committee of Investigation, I have the honor to enclose to you the accompanying resolutions.

I am, very respectfully,

Your obedient servant,

FRANCIS THOMAS, Chairman.

To John Sergeant, Esq.

Chairman of the Committee of Directors Bank U. S.

No. 6.

[Enclosed in the foregoing.]

Resolved, That the proceedings, investigations, and examinations of the Committee, of the books, papers, and affairs of the Bank, shall be confidential, unless otherwise ordered by the Committee.

Resolved, That the investigation of this Committee into the affairs, management, and concerns of the Bank, of the United States, shall be conducted without the presence of any person who is not required or invited to attend the examination of this Committee.

Resolved, That the Chairman communicate a copy of the foregoing resolutions to the Committee appointed by the Directors of the Bank of the United States to receive the Committee of the House of Representatives

A true copy.

RICHARD RUSH.

Secretary to the Committee.

No. 7.

Bank of the United States, April 26, 1834.

Sir—I have received, and have laid before the Committee of the Directors of the Bank of the United States your note of this date, and the enclosed copy of the resolutions of the Committee of the House of Representatives of the United States. I am directed by the Committee to inform you that your communication will be laid before the Board at a special meeting convened for the purpose, and that we will be prepared to make known to you the decision of the Board at your next meeting, on Monday, at 11 o'clock.

I have the honor to be,

Your most obedient servant,

JOHN SERGEANT, Chairman.

To the Hon. Francis Thomas,

Chairman Committee of Investigation.

No. 8.

Bank of the United States, April 28, 1834.

Sir—In conformity to my communication of the 26th instant, your note of that date, and the resolutions enclosed in it, have been laid before the board of Directors of the Bank of the United States, at a special meeting convened for the purpose. I have now the honor

to enclose you a copy of the resolutions of the Board, and to be,

With great respect,

Your most obedient servant,

JOHN SERGEANT, Chairman.

Hon. Francis Thomas,

Chairman Committee House of Representatives.

1. Resolved, That the Board recognize the right of the Committee of the House of Representatives of the United States to inspect the books, and to examine into the proceedings of the Bank of the United States, according to the provisions of the charter, and to enable the Committee to exercise this right, according to the order of the House of Representatives, the Board have endeavored to do all that could manifest their respect for the committee, or contribute to the convenient performance of its duty, by offering a room in the banking house for its accommodation, and appointing a committee of Directors to exhibit the books and papers according to the requirement of the charter: but the Board cannot, consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor permit them to be examined but in the presence of the Committee appointed by the Board.

2. Resolved, That considering the nature of the proceedings which resulted in the resolution for the appointment of the Committee of the House of Representatives of the United States, and considering the very grave and accusatory nature of the inquiries directed to be made by that resolution, as well in their bearing upon the Bank, as upon the individual citizens intrusted with its administration, the Board cannot but deem it due to the demands of common justice, that the institution and the individuals should have the opportunity to be present, by their representatives appointed for that purpose, at all examinations to be made by the Committee touching their character and conduct, whether the same be of books and papers, or of witnesses. It is most manifest to the Board, that for the purpose of arriving at the truth, examination in the presence of the parties would be the natural and effectual mode of proceeding; and the Board, being confident that examinations so conducted would result in a manner creditable to the Bank, have promptly and cheerfully acceded to the amplest investigation: but if they are to understand the resolutions of the Committee of the House of Representatives of the United States, of the 26th instant, as announcing an intention to pursue a different course, they do solemnly protest against the same, being fully satisfied that secret and partial examinations are unjust and oppressive, and contrary to common right and never to be resorted to but in cases of necessity, of which the present cannot, in the opinion of the Board, be said to be one.

3. Resolved, That the Committee appointed on the 24th instant, be instructed to furnish a certified copy of the foregoing resolutions to the Committee of the House of Representatives of the United States.

No. 9.

Bank of the United States, April 28, 1834.

Sir—I have been directed by the Committee of Investigation to acknowledge the receipt of your letter of the 28th inst. and to inform you that I shall be authorized to reply to it by to-morrow at 9 o'clock, A. M.

I am, very respectfully,

Your obedient servant,

FRANCIS THOMAS.

John Sergeant, Esq.

Chairman of the Committee of Directors of the U. S. Bank.

No. 10.

Committee Room, April 29, 1834.

Sir—I have the honor to enclose to you the accompanying copies of resolutions which have been adopted to-

day by the Committee of Investigation, in reply to your communication of the 28th instant.

With great respect,

I am your ob't servant,

FRANCIS THOMAS.

To John Sergeant, Esq.

Chairman of the Committee of Directors of the U. S. Bank.

No. 11.

[Enclosed in the foregoing.]

Committee Room, April 29, 1834.

At a meeting of the Committee of Investigation of the House of Representatives, on motion,

1. Resolved, That this Committee duly appreciate the disposition manifested by the Directors of the Bank of the United States, in offering accommodations in their banking house for its use, as contained in the communication of the Committee of the Board of Directors of the 24th instant, that this committee accepted that offer under the belief that it would promote as well its convenience as that of the officers of the Bank, and that the room thus offered would be exclusively for its occupation, and that of those whose attendance might be, by the committee, required or assented to, during the business hours of the Bank, and that the committee is willing still so to consider it.

2. Resolved, That this committee charged with important duties, and acting under its responsibility to the House of Representatives, and the laws of the United States, claims the right, to be exercised at its discretion, to compel the production of the books and papers of the Bank for inspection, and to inspect the same in such mode as to the committee may seem best calculated to promote the objects of its inquiry. But this committee has not determined that it will become necessary to perform that duty, out of the presence of those charged by the directors to submit the same to the inspection of the committee.

3. Resolved, That this committee cannot recognize the right of the Board of Directors to regard the resolution of the House of Representatives as accusatory in its character, or this committee as charged with the duty of criminating the Bank or its officers. That, in the resolution of the 26th instant, the committee intended to assert its rights to control its own proceedings, and not to indicate a purpose of making a secret and partial examination, or of practicing injustice or oppression. That the committee cannot but regard the expression of such an apprehension by the Board of Directors as unjust to its members, and unauthorized by the resolution.

4. Resolved, That this committee actuated by a sense of justice, will unhesitatingly afford to every person, whose character or conduct may seem to be affected in the progress of their investigations, a full opportunity of explanation and defence, but claim the right of determining the time and mode of giving such privilege; and, therefore, cannot recognize the right of the directors to prescribe the course to be pursued by this committee in making its examinations.

5. Resolved, That a copy of the foregoing resolutions be communicated by the chairman to the committee of the Directors of the Bank.

No. 12.

Bank of the United States, April 29, 1834.

Sir—I have the honor to acknowledge your note of this date, and the copy enclosed in it, of the resolutions adopted by the Committee of the House of Representatives of the United States. They have been laid before the Committee of the Board of Directors, and I am directed by them to make the following reply.

The committee would, in the first place, respectfully state that it was not their intention, nor the intention of the Board, to allege that the Committee of Investigation was charged with the duty of criminating the Bank or officers. They meant only to say, as will be seen by

reference to the resolution, that the inquiries directed to be made were in their nature accusatory; and so the Committee of the Board are still obliged to consider them.

The Committee would further respectfully state that it was not the intention of the Board to impute to the Committee of Investigation a purpose of making a secret and partial examination, or of practising injustice or oppression. They simply intended to insert what they believe to be beyond all dispute or doubt, that secret and partial examinations into matters which have a bearing upon the character and conduct of individuals are unavoidably unjust and oppressive.

And, finally, the committee would most respectfully disclaim all intention to control, in any manner, the proceedings of the Committee of Investigation, or to prescribe to it any course whatever. The Board are very sensible they have neither the power nor the right to do so. The only purpose of the Board was to exhibit respectfully to the Committee of Investigation their views of their own rights upon the two points presented by the resolutions of the Committee of Investigation of the 26th instant, from which views they have seen no reason to depart.

The Committee are very happy to perceive, that, as yet, there is no practical difference between the views of the Board and those entertained by the Committee of Investigation, as to the mode of proceeding to be adopted, inasmuch as the resolutions you have done me the honor to send me, inform us that the Committee of Investigation have not come to any decision, and we, therefore, may indulge a hope, that, seeing the reasonableness and justice of the views respectfully suggested by the Board of Committee of Investigation, when they come to decide, will not differ from the Board in opinion.

I am directed, in conclusion, respectfully to request, when the Committee of Investigation shall have decided upon the mode of proceeding they will adopt, they will be good enough to communicate their decision, that the Board may be able to take such measures as it may seem to require. In the mean time, I beg you to be assured of the continued disposition of the Board and the Committee to contribute all that may be in their power to promote the accommodation and convenience of the Committee of Investigation, as well as of the great respect of

Sir, your most obedient servant,
JOHN SERGEANT, Chairman.

To the Hon. Francis Thomas,
Chairman of the Committee of the House of Representatives of the United States.

No. 13.

Committee Room, April 29, 1834.

Sir—in compliance with the directions of the Committee of Investigation, I have the honor to enclose to you the accompanying resolutions.

With high respect, I am your obedient servant,
FRANCIS THOMAS, Chairman.

To John Sergeant, Esq.
Chairman of the Committee of Directors of the Bank of the United States.

No. 14.

[Enclosed in the foregoing.]

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the Committee with a statement of the out-standing certificates of the public debt, for which the Bank holds the money in deposit to redeem, under the designation of "redemption of public debt," showing the names and residence of the holders of such out-standing certificates; the amount of each, and the aggregate of the whole; the class of loans to which they belong respectively, and whether the Bank has paid interest

to any of the holders of the same, since they fell due and payable.

A true copy:

RICHARD RUSH,
Secretary.

No. 15.

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with the entire correspondence between said Bank, or any of its agents, and the Secretary of the Treasury, and Baring, Brothers and Company, and Hottinguer and Company, touching the bill of exchange drawn by the Treasury Department on the French Government, on the 7th of February, 1833; also, copies of all accounts, and accounts current with said Bank, from either Baring, Brothers and Company, or Hottinguer and Company, between the 1st of January and July, 1833.

A true copy: RICHARD RUSH, Secretary.

No. 16.

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with a list of the names and residences of all the persons who surrendered their certificates of three per cent. stock, and received a credit on the books of the Bank therefor; the time when, and amount placed at the credit of each; the aggregate amount thus surrendered, and the dates at which the same were paid by the Bank to the proprietors; the names of the agents employed by the Bank in any negotiations or arrangements to postpone the payments of said stocks; the compensation allowed to each agent; and the amount of expenses allowed to each in addition to compensation.

A true copy: RICHARD RUSH, Secretary.

No. 17.

Resolved, That the President, Directors, and Company of the Bank of the United States be requested to furnish the committee with a statement, showing the names of all special agents employed by the Bank since its establishment, the objects of such agencies, the compensation allowed to each, the services rendered by each, the duration of such agencies, the expenses allowed to each in addition to compensation, and whether either of such agents was either a member of Congress, State Legislature, or officer of the General Government, at the time of employment.

A true copy: RICHARD RUSH, Secretary.

No. 18.

Resolved, That the President and Directors of the Bank of the United States be requested to furnish this Committee with the following statements:

1st. A statement showing the amount of public money on deposit in the Bank and its branches respectively, to the credit of the Treasurer, and other officers of the United States, in each month, from April, 1832, to April, 1834, inclusive.

2d. A statement showing the number of votes given at each election for Directors of the parent Bank since December, 1832; showing, also, what number of votes were given in person by the Stockholders; and what number of proxy, and by whom such proxies were held, and a list of the Directors elected at each election.

3d. A statement showing the amount of gold and silver coin which has been purchased or sold by the Bank, the names of the persons to whom such sales and from whom such purchases have been made, and the gross amount by profit derived by the Bank therefrom; and also showing the most usual and highest prices received for each of the following descriptions of coin, and whether the same have been sold in the United States, or in foreign countries.

1. Gold eagles, halves, and quarters of the United States' Coinage.

2. Silver dollars, halves, and quarters of the same coinage.

3. Spanish doubloons, and their parts.

4. Patriot do. do.

5. Spanish milled, Mexican, Peruvian, and Chilian dollars.

6. English guineas and sovereigns.

7. Louis'd'ors of France, and five franc pieces.

8. Half joies of Portugal or Brazil.

4th. A statement showing the amount of gold or silver coin which has been drawn, by order of the parent Bank, from each of its western, southwestern, and southern offices; and also, the amount of specie which has been sent thereto by the same authority.

5th. A statement showing the names of all persons, alphabetically arranged, who were indebted to the parent Bank on the 1st Monday of December, 1829; showing, also, whether by authority from the Board of Directors, the Exchange Committee, the President, or other officer of the Bank, each loan thus made, the residence of each borrower or debtor, the terms on which each loan was made, and whether each debtor was liable as endorser or drawer, principal or security.

6th. Statement, similar to the foregoing, of the debts due to the parent Bank on the 1st day of June, 1832, and on the 28th day of April, 1834.

7th. A statement showing the amount of foreign or domestic gold or silver coin, or bullion, which has been exported by the Bank, for each and every month, since the 1st of March, 1832, and the profits derived by the Bank from such exportation; and also the amount of specie imported by the Bank within the same period.

8th. A statement showing the capital of each of the officers or branches of the Bank, with a tabular statement showing the liability and resources of each branch or office, on the 1st of each and every month, from March, 1832, to April, 1834, inclusive.

9th. A statement showing the amount of domestic bills possessed by each of the branches and officers of the Bank on the first day of each month, from March, 1832, to April, 1834, inclusive; showing also the places at which the same were purchased, and the time when and places where, the same were or will be payable.

10th. A statement showing the amount of money which has been at any time loaned by the Bank on pledges of stock as collateral security, the kind and description of stocks thus pledged, the date and terms of each loan, the names of the borrowers, with the amount now due by such borrowers respectively.

11th. A statement showing the names of the stockholders of the Bank, with the number of shares held by each, the residence of each, their official stations, if in office, and showing also the aggregate number and value of the shares held by foreigners and citizens of the United States respectively.

A true copy: RICHARD RUSH.

(To be continued.)

For the Register.

AMERICAN MOLE LOCUST.

This extraordinary insect has again visited us after a regular intermission of seventeen years. I remarked the first free from its shell on the twentieth of May, which corresponds with the time I observed them in 1817, and in 1800. Vast numbers have perished from the coldness of the season, having ventured forth from the earth, and not having strength to burst their shells, they perished.

About sunset I have seen them emerging from the earth, then directing their course to a tree, wall, fence, shrub or plant, by which it can hold or attach itself until the shell hardens; then the insect within,

raising its back, bursts open a rent, which if it be strong enough, the insect passes through wonderfully changed and changing; its colour whitish, its wings small, with eyes to enable it to find its way in the light of day, as its former eyes enabled it to see only in the ground where it worked its way like the mole. One night is all that is necessary to complete its change into a perfect Locust.

These insects, where they meet with no impediment in rising through passages in rock, soon come forth in warm weather, deposit their eggs, then die.

It is an error that they can only be found where trees stood seventeen years ago. Sometimes the soil contains too large a portion of corrupt matter, in that case the insects will avoid such places, and will travel on until they meet a more genial soil.

That they go down to a great depth is certain, for in digging wells they have been found fifty, sixty and seventy feet under limestone rock, in the vicinity of water, from which probably it obtains its food when in the earth. As God created no insect without its use, it is supposed that those insects by working in the earth, form subterraneous passages for water, and thus supply man with that great luxury.

The Locust ascends not perpendicularly, but if his course be examined, he is to be found frequently to have deviated from a point where he could have emerged from the earth easily, but from some repugnance to the top soil, at a distance of fifty feet he ascended.

In a county like Lancaster, where a surface of limestone rock interposes itself as a barrier, these insects are obliged to seek for passages through the rocky crevices and openings, hence they are still seen emerging on an evening.

Where no rock interposed, the Locust has risen, deposited its eggs and died.

C. R.

Lancaster, June 10th, 1834.

From the National Gazette.

THE LOCUSTS.

This being the season for the appearance of the insect denominated in common parlance "the seventeen years locust," and as much curiosity has been evinced in relation to them, by the juvenile part of the community, I offer for their instruction the results of a few observations, commenced a long time since, on the habits of this insect. Being obliged to trust in some particulars to memory, I do not promise to be critically correct, and therefore will not complain, if some young observer should detect and point out an error.

In the spring or summer of 1799, when a child, my father one day called my attention to a feeble croaking sound, which may be compared to a certain note of the toads in the spring, but on a much lower key—on going to the spot from whence it proceeded, we discovered one of the locusts in question, and the only one I have ever seen above ground, at a time different from that appointed for the appearance of the whole tribe. In the following year the grand-parents of our present visitors came to light. In November 1812, I found a large number of locusts under an old apple tree, between two and three feet below the surface, and just beyond the reach of frost in ordinary winters, having every appearance of such as now issue from the ground, and nearly of the same size. They were, no doubt, the progeny

of the tribe that appeared twelve years before, and a portion of the same family which in 1817, after having fulfilled all the subterranean duties on them enjoined, issued from their dark abodes to finish above ground a career protracted greatly beyond the lives of ordinary insects.

This suggests a question worthy the attention of the curious in such matters, viz: whether other insects which have not been carefully tracked throughout the whole course of their existence, and of which some annually appear, may not be much longer lived than we now suppose them to be.

When compared to the ravenous locusts of Africa, they are perfectly harmless—and no one has ever observed the slightest injury done to vegetation for the purpose of satisfying their hunger;—if they feed in their winged state, I am inclined to believe that they subsist on moisture alone.

The destruction of the twigs of trees and bushes is done solely for the purpose of continuing their species—and but a few days before their own end. The female is provided with a sharp pointed instrument with which she perforates the tender branches, and therein deposits a large number of eggs which remain enclosed in the twigs for a few days. When the egg is matured, a minute but active fac simile of the parent in its chrysalis state is ushered into existence, and immediately descends into the earth, living about the roots of trees, until, at the appointed time, it returns to the surface for the purpose of undergoing the change, and of continuing its species. It seeks refuge among the trees from its enemies, the birds, as well as for the purpose of propagation.

If a glass vessel be filled with light earth and the animal soon after it has quitted the egg be placed on the surface, it will be seen after a very short time at the bottom endeavoring to force its way still deeper—when first hatched it is quite white, but afterwards takes the color of its earthy habitation. Like the Indians they exist in separate tribes, occupying a distinct section of country, making their appearance in different years, but invariably after the same interval of time.

On the 27th June, 1815, I saw a portion of one of their countless tribes to the west of the Allegheny mountains, extending if I am not mistaken from the summit of the chestnut ridge into the state of Ohio, beyond Steubenville, occupying every shrub and tree except the pines, and the black walnut, hickory, and some few of the same genus. On my return in the latter end of the following month, not an individual of the myriads which had occupied that space was to be seen—the tops of the forests for upwards of a hundred miles appeared as if scorched by fire.

In 1832, just seventeen years from the period mentioned, I noticed a newspaper paragraph copied from a country paper which stated that the locusts had appeared in that quarter in large numbers.

The northern parts of Jersey and Pennsylvania were visited by them in 1826, when I had another opportunity of seeing this extraordinary insect. On my way from Easton through Jersey to Milford in Pike county, Pennsylvania, I fell in with a very numerous body—how far they extended I was unable to learn, but they did not disappear from my route until after passing a large part of Pike county, a distance by the road of more than sixty miles from where I first saw them on the 23d of May;—the weather had been extremely hot and dry during the preceding three weeks.

I am not aware that they prefer one kind of soil to another, if both be sufficiently dry—trees and shrubs appear necessary as places of deposits for their eggs—and consequently though numerous in the State House Square, none can be found in Washington Square, which in 1817 was destitute of trees.

Locusts.—A very respectable inhabitant, who has resided in Germantown during a life of 74 years, mentions the curious facts that locusts not only appear every 17 years, but that they make their appearance in great numbers always on the 25th May. Our informant recollects their advent on the 25th of May, 1766, then six years old; he has since recorded their coming on the

25th of May, 1783,

25th of May, 1800.

25th of May, 1817.

Their holes may be seen in ploughing, or under boards laying on the ground, preparing to come forth on Sunday, 25th inst.

It is remarked that occasionally a few locusts are seen creeping out of their hidden places *before* the 25th, but they return again to join the great crowd.

From Poulson's American Daily Advertiser

Mr. Poulson.—Observing in your useful paper a few days since, a notice, respecting the periodical appearance of the Locusts, I am induced to give you the following extract from the memorandum book of an old native citizen, now no more, born in the year 1731, and who was very precise in noting down remarkable occurrences.

"May 19th, 1749, I arrived from London in the ship Myrtilla, Captain Budden. The Locusts were here in abundance.

1766, Locusts came again.

1783, Locusts came again.

1800, Locusts came again.

1817, Locusts came again.

Thus have I known this extraordinary insect appear four times in Pennsylvania, always coming out about the middle of May, and disappearing about the 25th or 26th of June.

They neither eat the leaves of the trees, or the fruit—nor have they ever injured the grain; they perforate the bark of the tender shoots of various trees, inject their long worm like eggs, and then die away."

From the U. S. Gazette.

Locusts.—We have been disposed to ridicule the reports circulated in the papers, of the death of several children from the sting of locusts. But, we learn, that the bite of this noisy visitor, *has*, in several instances, proved fatal. A black boy, in or near New Castle, (Del.) last week, gathered several locusts, and put them into his hat, to be carried to school. While thus confined, the animals bit his head in several places; in a short time, the places bitten became inflamed; the head swelled very much, and the boy died in a few hours afterwards. We saw several sores on a person's hand, caused by the bite of locusts,

COAL OPERATIONS.

Coal operations of 1833 and 1834, compared at a corresponding period of each year.

Shipped from Mauch Chunk, by the Lehigh Coal and Navigation Co. in 1833, up to May 22,	17,722 Tons.
Ditto 1834, up to ditto,	20,365
<i>Increase from Lehigh in 1834,</i>	<i>2,643</i>

Shipped from Schuylkill Coal region, in 1833, up to May 23,	37,602 Tons.
Ditto 1834, up to ditto,	26,837
<i>Decrease on Schuylkill in 1834,</i>	<i>30,765</i>

Sent from Lackawanna mines by Hudson and Delaware Canal company, in 1833, up to May 15,	9,900 Tons.
Ditto 1834, up to ditto, none reported—have but	

just recently commenced doing any thing this season.

Decrease of Schuylkill supply,	30,765 Tons.
Ditto Lackawanna,	9,900
	40,665
Deduct increase of Lehigh company's shipments,	2,643
Actual falling off in coal business of 1834, compared with the same period of 1833,	38,022 Tons.

From the Pittsburg Gazette.

REMINISCENCES.

Extract of a Letter from the Editor, dated

HARRISBURG, May 24, 1834.

I left Pittsburg on Wednesday evening, at 15 minutes past eight P. M. and arrived at Chambersburg at half past seven, on Friday morning, and expected to reach Harrisburg that afternoon at about 4 o'clock. I soon discovered that the Good Intent Line had been ordered from the Carlisle and Harrisburg road to the route by Gettysburg and York to Columbia, and the passengers conveyed thence to Philadelphia by the Rail Road. Owing to this change I was compelled to wait for the Telegraph Line, which leaves Chambersburg every morning at 3 o'clock.

Thus I had before me an entire day for idleness or reflection—and it occurred to me that, in April, 1805, the first stage crossed the mountains—the same Good Intent Line in which I had just reached Chambersburg. In the latter part of the month of April, 1805, I left Pittsburg, for N. Jersey, on my way from Burr's expedition. The stage then left Pittsburg once a week, and reached Philadelphia in 7 days of most laborious and fatiguing travel. Four and a half most toilsome days were spent, in 1805, in reaching Chambersburg; a point which I had now reached in less than one and a half days—and during each of those four and a half days, much more fatigue was endured than in the day and a half now spent in a rapid journey over the whole distance. At the former period, the stages would average almost two miles per hour in going from Pittsburg to Chambersburg—now they average from four to five. If there is so much improvement in the speed of the travelling, the increase in the amount of travelling is still greater. Twenty nine years ago, one stage left Philadelphia every week, for Pittsburg—now, not less than six or seven stages leave Philadelphia and Baltimore every day, for Pittsburg and Wheeling, exclusive of the travelling by the Pennsylvania Canals, and also exclusive of the intercourse with the West, through Virginia and New York.

Such retrospects are always agreeable to me—they are also useful in assisting us to form correct estimates of future improvements. I believe it has uniformly been found that the anticipations of the most sanguine, as to the improvement of the country, have fallen short of the reality.

When the Pittsburg Gazette was established, there was no regular mail to Pittsburg, and the editor of that paper had to depend upon casual conveyance for papers. Shortly after that time, Col. George Morgan, of Morgantown, expressed, at a dinner table in Philadelphia, his belief that there would be a weekly mail to Pittsburg in less than twenty years!—he was laughed at—but a much less time saw his predictions fulfilled.

In the last twenty-nine years, stage travelling, from the Ohio to Philadelphia and Baltimore, has increased at the rate of at least 36 to 1—if it should increase at any thing like the same rate during the next thirty years—and I have no doubt that it will—what an enormous

amount of travelling will daily pass through our state, and what immense sums of money will be left in the intervening country?

I have just heard it remarked, by an intelligent New Yorker, that when their canal was opened, the novelty of that mode of conveyance attracted a good deal of travel, to the great injury of the stages; but this novelty very soon wore off, and it was soon found that the completion of the canal had greatly benefited instead of injuring the stage proprietors. So, I have no doubt, our Pennsylvania Improvements will also operate—they will produce increased business, and increased travelling is a necessary consequence.

KITTANNING AND BROOKVILLE STATE ROAD.

We have just conversed with Messrs. Sloan, Duncan, and Cobbett, who were appointed by the late act to lay out a State Road from this place to Brookville, in Jefferson county. They reached this borough yesterday morning, having completed the survey to their entire satisfaction. The distance is forty-two miles and ninety-six perches, graded at five degrees. The ground over which it passes is generally good—scarcely any rocky or mirey places on the route. The road crosses Redbank creek at Mr. Yost Smith's, about midway between the fording and the dam. The Mahoning hill is 700 feet high, and required a length of a mile and 164 perches to ascend it at five degrees; from thence to this borough, by the route surveyed, there are no other hills of any consequence to be overcome. This will be a valuable and important road to the people both of this county and Jefferson.

Kittanning Gaz. June 4.

SPEEDY ARRIVAL.—The steamboat from New York, with the morning papers, reached this city, yesterday, a few minutes after one o'clock, and we were enabled, by extra exertion, to furnish some interesting extracts in our Gazette, without delaying its publication more than a few minutes after the usual hour. The facilities of intercourse between New York and Philadelphia, are now so perfect, that this extraordinary speed will probably be obtained daily, without difficulty. If so, we shall continue the plan which we commenced yesterday, not doubting but that the arrangement will prove highly gratifying to our readers.

Phila. Gaz. May 22.

RAIL ROAD.—Cars with passengers are now running daily on the Rail Road from Columbia to Philadelphia—fare \$3. The Good Intent Line of stages, which heretofore ran from Chambersburg via Carlisle and Harrisburg to Philadelphia, now run via Gettysburg and York to Columbia, from whence the passengers are conveyed on the rail road to Philadelphia.

Phil. Gaz.

Catterpillars—It appears that that kind of this reptile which made the forests in some places as bare in May, as chill November's surly blasts, could have made them, have within a few days appeared in some parts of this county more numerous than they were ever seen before. Fences were covered so thickly by them, that no particle of the rails could be seen.

York Gaz.

A Grey Eagle was shot in the neighborhood of Carlisle a few days since, measuring across the wings when extended, six feet 7 inches—length of bill three inches. It was an off-hand rifle shot, at the distance of one hundred and ten or fifteen paces.

Printed every Saturday morning, by Wm. F. Geddes, No. 9, Library street, Philadelphia.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

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HOUSE OF REFUGE—ANNUAL REPORT.

The Sixth Annual Report of the House of Refuge of Philadelphia.

To the Contributors of the House of Refuge.

The Board have great satisfaction in being able to report to the contributors that the history of the Refuge for the year just ended, presents, in their opinion, very strong evidence of its beneficial operation. The numbers received into the House have been 91; to wit, 68 males and 23 females. The numbers bound out during the same period have been 76. The admissions, it will be perceived, have been fewer than usual. The indentures have been more numerous than in any former year. They may state also, as a circumstance which has a material bearing upon the usefulness of the Institution, that the ages of those received have been less advanced than those of their predecessors. They feel themselves encouraged, therefore, to repeat to the contributors what they said to the legislature in their last report to that body, that "from all these circumstances, combined conclusions are drawn highly favorable to the system, and to the particular establishment. General causes of improper conduct are not reduced.—Vice and ignorance exist, and crimes are the natural consequence of them. If fewer have been exhibited in the conduct of the young, the result may be imputed, partially at least, to the good effects which have been produced by a well organized House of Refuge. In the early stages of error, individuals have been withdrawn by it from the sphere where they could most readily indulge in bad practices, and have been led into a better course of life. In removing the particular individual, the evil example he afforded is also deprived of its effect. Confidence in the efficacy of the plan is daily gaining strength. Throughout many parts of the country, persons are now pursuing an honest course of industry, who were rescued from a career of idleness by the restraints and influences of this place." We may add, in further illustration of its happy tendency, that one who was an inmate of the House, is at this time a life subscriber for its support.

Letters received from those with whom the inmates have been placed under indentures are in general satisfactory and encouraging. In connection with this remark, we would repeat the urgent solicitation of the Board, especially dwelt upon in the last annual report, that in committing to the Refuge, magistrates will discriminate as to age. We cannot sufficiently express to them our sense of the great importance of sending none in whom there is reason to fear that habits of vice may have become fixed. They do great injury to the other inmates, while little good can be hoped for to themselves.

The Board are happy to say, that the general health of the establishment has been good. There have been some cases of intermittent and remittent fever. But one death has occurred in the course of the year, and that was of congestion of the brain.

Mr. Neville resigned his situation as teacher on the 1st day of September last. The Board have pleasure in bearing testimony to his merits, and to the ability and fidelity with which he performed his duty. After his resignation the place was occupied successively by

Mr. John Maylin, and Mr. Tilghman Culp, until the 1st of March last, since which time it has been filled by the present teacher, Mr. Z. B. Nichols. The time is too short to warrant the Board in speaking positively of his qualifications, but they are gratified in being able to say that he has hitherto given entire satisfaction, and in their opinion, bids fair to become a valuable officer.

No alteration has been made in the arrangement of the workshops. The inmates are employed advantageously to themselves, as they acquire some skill, and—which is of more importance—habits of industry and order. The Board have pleasure in adding that their labours are quite as productive of profit to the establishment as could be expected from boys of their age. The Treasurer's report will show a result from this source of more than twenty-nine hundred dollars.

The Sunday Schools continue to be under the direction of the same gentleman and his associates, of whom mention is made in the last annual report. Their able and judicious management continues to be blessed with good fruits, and to entitle them to the renewed thanks of the board and the community.

Divine service is regularly performed in the chapel twice every Sunday. Clergymen of different denominations officiate in this labour of charity with great zeal, to the manifest edification of the household. The Board are happy to bear testimony to the regularity and good deportment of the inmates in their attendance upon worship.

The Board also feel themselves called upon to acknowledge their obligations to the medical gentlemen who have given their valuable services to the establishment, for the cheerful promptness with which they have obeyed every call, as well as for the skill and ability they have manifested in the gratuitous application of the resources of their art in every case of need. Perhaps the board ought scarcely to consider this an individual distinction, since the medical profession in Philadelphia has always been characterized by humanity and active charity, but rather to say that their conduct has been worthy of their profession.

The duties of the superintendent, matron, and other officers of the Institution, have been discharged in a manner entirely satisfactory to the board.

The Board continue to hold their stated meetings every month. The Executive Committee meet weekly, and the Visiting Committee twice a week. The Board have never had occasion to adjourn for want of a quorum.

The Ladies' Committee meet monthly, and their Visiting Committee weekly, at the House. The Board have to repeat the acknowledgment of the valuable aid received from them, especially in the female department. They are sensible, indeed, that the administration would be materially defective without their judicious suggestions and assistance.

A legacy of two hundred dollars has been bequeathed to the House by the late General Robert Wharton. He was one of the early and active friends of the establishment, contributed one hundred dollars originally, and always felt a lively interest in its welfare. His testimony in its favour must be entitled to particular respect, as he had the best opportunity of judging of its

value, from the experience he had had, during the many years he so faithfully and ably performed the duties of mayor of the city of Philadelphia.

The success of the establishment in accomplishing the purposes for which it was designed, must put an end to all doubts as to its usefulness, and furnish a new and increased claim for the support of liberal patronage. The number received into the House since the 1st of May, 1833, has been, as already stated, 91; the number discharged 98; there remain 157.

The ordinary expenses of the year do not vary materially from those of preceding years. But the Board have been obliged to encroach upon their means to the amount of \$2,406 17, to pay for curbing and paving in Coates street, opposite the Refuge grounds. To provide for this large expenditure has put the Board to considerable inconvenience. For more particular information, the Board refer to the Treasurer's account, and the reports herewith submitted.

The library, as is known, was originally founded by the aid of benevolent contributions, chiefly from the booksellers. A small annual appropriation has since been made for its support, and this, together with the kind donation by the Sunday School Union of two copies of every work published by the Society, has been the chief source of its increase. Considering how very useful a part of their plan this library is, the managers desire again to draw the public attention to it, and to invite the support of those who may have it in their power, by the donation of good books, to enlarge its means of usefulness. They would especially remind booksellers and publishers how very thankful they would be for aid in this way.

In the course of the winter the House was visited and examined by a committee of the legislature. The Board have great pleasure in exhibiting, in the appendix to this report, the testimony borne by these distinguished visitors, of the character and usefulness of the institution. Besides the gratification to themselves from such high approbation, they cannot but deem it encouraging that the nature and the fruits of the establishment are thus commended to the people of Pennsylvania from a quarter always looked to with respect and confidence.

In conclusion, the Board have the melancholy task to perform, of announcing to the contributors the loss, by death, of one of their brethren, the late Jos. S. Inglis, Esq. Estimable as a man, and distinguished for the conscientious discharge of all his duties, he brought to the post assigned to him as a manager, zeal, intelligence and industry, which rendered him eminently useful, and along with them, social qualities, which made him highly acceptable to his colleagues.

All which is respectfully submitted.

By order of the Board of Managers.

JOHN SERGEANT, President.

Attest—JAMES J. BARCLAY, Sec'y H. R.
Philadelphia, May 1, 1834.

House of Refuge in Account with Thomas Earp, Treasurer.
Dn.

Paid orders drawn by Executive Committee from May 1, 1833, to May 1, 1834, for provisions, clothing, fuel, medicine, stationary, lumber and repairs to buildings, &c.	\$13,743 71
Paid for paving and curbing Coates' street in front of property belonging to House of Refuge,	2,406 17
Paid interest on borrowed money,	1,432 01
“ Commissions for collecting,	24 21
“ Ground rent, taxes and insurance on property in No. 3d St.	46 33
“ Loaned to A. Burrows & Co. on interest,	2,000 00

Paid borrowed money to John S. Henry, Esq.	\$2,000 00
“ “ Commercial Bank,	3,000 00
Balance,	1,478 94
	<hr/> \$26,131 37

Cr.	
Balance on hand as pr. last annual report,	\$453 17
Cash received for labor of boys from May 1, 1833, to May 1, 1834,	2,911 55
“ “ “ Annual subscriptions and donations,	284 34
“ “ “ from A. Benson & Co for money borrowed on interest,	4,000 00
“ “ “ County Commissioners for Legislative appropriation for 1833,	4,000 00
“ “ “ “ 1834,	9,000 00
“ “ “ for rents of property on North Third street,	122 50
“ “ “ sundry articles sold at House of Refuge,	283 50
“ “ “ Interest,	76 31
“ “ Bond of John S. Henry, Esq.	2,000 00
“ “ Commercial Bank,	3,000 00
	<hr/> \$26,131 37

Balance in Treasury May 1, 1834, \$1,478 94
THOMAS EARP, Treasurer.

APPENDIX

TO THE REPORT OF THE MINORITY OF THE BANK INVESTIGATION COMMITTEE.

(Continued from page 382)

No. 19.

Committee Room, (North American Hotel.)

April 30, 1834.

Sir—I have the honor to acknowledge the receipt of your letter of the 29th instant, and having submitted it to the consideration of the Committee of Investigation, have been authorized to present to you the following reply:

The committee regret to find that the character of the resolutions heretofore adopted by them, and of which copies have been forwarded to you, is much misunderstood. In your letter of the 29th, it is said “that the Committee of Investigation have not come to any decision” as to the mode of proceeding to be adopted. The propriety or justice of such an allegation is not perceived. The committee have decided and made known to you that decision, that they have the power to compel the production of the books and papers of the Bank for inspection; that they have the power to make such inspection in the presence of those only who may be by the committee required or invited to attend, and to exclude from their room all persons whatever, who, by their presence, may in any degree tend to impede the progress of the inspection of the books and papers, or incommode the members of the committee in the discharge of the high duties devolved on them by the House of Representatives.

The committee reserve the right to exercise that power when it shall become necessary, and in the manner which their sense of propriety, and desire to do justice to the bank and the country, may dictate. They hope that nothing will occur, in the course of this scrutiny, which may render it proper for them to decide upon and exercise the full extent of the powers conferred upon them by the House; and are happy to learn “there is no practical difference between the views of the Board and those entertained by the committee.” They

will be glad to know whether they are authorized to conclude that the room which has been offered for their accommodation at the banking house, can be conveniently set apart for their exclusive use and occupation, from ten o'clock A. M. until three P. M. during their continuance in Philadelphia. The committee assure the Committee of directors, that it is their desire to conduct the investigation at the place mutually convenient to them and the officers of the Bank, and in a manner calculated to work no "injustice or oppression."

An answer, consistent with your earliest convenience, to so much of this communication as relates to the occupation of the room in the banking house, is respectfully requested.

I have the honor to be,

With great respect,

Your obedient servant,

FRANCIS THOMAS.

To John Sergeant, Esq.

Chairman of the Committee of Board of Directors of Bank U. S.

No. 20.

Bank of the United States, May 1, 1834.

Sir—I have the honor to acknowledge your letter of the 30th of April. It has been laid before the Committee of the Board, and by their direction, I make the following reply:—

In saying that, according to the tenor of the resolutions of the Committee of Investigation of the 29th ult. there was "as yet no practical difference" between the Committee and the Board, the Committee of the Board still think the language they used was correct and appropriate. It is true, that in these resolutions the Committee of Investigation had asserted a power which might perhaps have been controverted. But it was not the intention of the Committee of the Board to discuss or question the powers of the Committee of Investigation in the abstract, or as matter of opinion, but simply to set forth their own views of what they believe to be the rights of the Bank, and of the individual citizens intrusted with its administration.

The "practical difference," according to the view of the Committee of the Board, would only occur when there should be an actual, as distinguished from a theoretical collision; that is to say, when an exertion of power, attempted by the Committee of Investigation, should be met by an assertion of right on the part of the Board, incompatible with its prosecution. Such a state of things would be extremely to be regretted. It must, nevertheless, be conceded that a case might be presented, in which the committee of the Board would be compelled, by a deep sense of duty, to consider their rights, and to act upon their own views of them.

Among the risks incident to an error of judgment in deciding, they would esteem it one of the greatest, that their conduct might by possibility, be imputed, however unjustly, to a want of due respect for the Committee of Investigation, or for the high source from which their authority is derived.

Under the influence of these feelings, and with a strong desire that the investigation might be conducted in a manner satisfactory to both the parties, the Committee of the Board gladly embraced the belief—it may be that their strong inclination led them too hastily to believe—that there was, "as yet, no practical difference." If in this they misunderstood the terms of the resolutions of the Committee of Investigation, they will be ready to receive explanation of the committee. In this or any other matter, to correct the misunderstanding.

They deem it due however, to the Committee of Investigation, as well as to themselves, to say further, that in the letter of the Committee of Investigation, of the 30th ult. there appears to be a misapprehension of the meaning of the Committee of the Board, in their letter of the 29th ult.

The committee of the Board did not say "that the Committee of Investigation had not come to any decision as to the mode of proceeding to be adopted." They do not know, nor can they, without failing in the respect due to themselves, pretend to know, what may have been, or what may be, the decisions of the Committee of Investigation, except so far as the committee may think fit to communicate them. Accordingly, their letter of the—ult. was founded entirely on the resolutions of the—ult: copies of which were transmitted to them by the Committee of Investigation; and the passage above quoted, with its context, referred especially to the following sentence in the second of those resolutions, to wit: "But this committee has not determined that it will become necessary to perform that duty out of the presence of those charged by the Directors to submit the same to the inspection of the Committee." Comparing this with the resolutions of the Board of Directors, heretofore handed to the Committee of Investigation it did appear to the Committee of the Board, that there was no decision upon this material point, and, therefore, that there was "as yet no practical difference."

Acting upon the same principle that has hitherto governed the Committee of the Board, it is not their intention to question the statement of the Committee of Investigation, "that they have the power to compel the production of the books and papers of the Bank," &c. That such is the opinion of the committee of Investigation they have no doubt, and, as their opinion, the Committee of the Board freely admit its claim to high respect. It is only when ceasing to be opinion merely, it shall come in conflict with the rights of the Bank, or of those intrusted with its administration, (if ever that should happen,) that the Committee of the Board will find themselves bound, however reluctantly, to examine its application.

In reply to that part of your letter in which you inquire whether the Committee of Investigation "are authorized to conclude that the room which has been offered for their accommodation at the banking house can be conveniently set apart for their exclusive use and occupation, from 10 o'clock A. M. until 3 o'clock, P. M. during their continuance in Philadelphia." I am directed by the Committee to say that they still have, as they always have had, every disposition to accommodate the Committee of Investigation, and such they are persuaded is the disposition also of the Board.

The committee find their authority in this respect set forth in the resolutions of the Board of the 28th of April, communicated to the Committee of Investigation on the same day, by which it appears that the Board directed them to offer to the Committee of Investigation a "room in the banking house for its accommodation, and appointed them a Committee of Directors to exhibit the books and papers according to the requirement of the charter." But the Board at the same time declared that they could not, "consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor to permit them to be examined but in the presence of the Committee appointed by the Board." The Committee of the Board have great pleasure in renewing to the Committee of Investigation the offer of the room, in the manner pointed out by this resolution, and in tendering any further service in their power that can promote the convenience of the Committee of Investigation.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN SERGEANT, Chairman.

The Hon. Francis Thomas,

Chairman of the Committee of Investigation.

No. 21.

North American Hotel.
Committee Room, May 1, 1834.

Sir—I have the honor to enclose to you the accompanying copies of resolutions which have been adopted by the Committee of Investigation.

Very respectfully,

Your obedient servant,

FRANCIS THOMAS, Chairman.

John Sergeant, Esq.

Chairman of Committee of Directors of the
Bank U. S.

[Enclosed in the foregoing.]

Resolved, That the President and Directors of the Bank be requested to furnish the committee with copies of all correspondence between the President of the Bank or any of its officers with members of Congress, or of unanswered letters received from any one of them since the first day of July, 1832, touching the renewal of the charter of the Bank, the removal or restoration of the public deposits, or touching the business transactions of such members with said Bank.

Resolved, That the President and Directors of the Bank be requested to furnish the Committee with a statement showing the whole number of shares which it has taken since its establishment, by purchase or in payment of debts, the time when and from whom each was taken, the amount they were taken to pay or secure; and whether such debts were under protest when such shares were taken, the names of all parties obligated upon each debt, and whether such shares have been sold by the Bank; and, if so, the amount obtained for each, the deficiency or excess in each case of sale in respect to the debt on which such shares were taken, designating the branches at which such shares were taken or sold.

Resolved, That the President and Directors of the Bank be requested to furnish this committee with a statement of their expense account since the 1st of January, 1829, up to the date of this resolution being complied with, showing the items and total for each half year, corresponding with the entries in their expense book, and showing the names and residence of all persons to whom any payments have been made, the amount to each, and the times and consideration of such payments, with copies of all vouchers taken for such payments.

Resolved, That the President and Directors of the Bank be requested to furnish this committee with a statement in detail of all over-drafts which have been made on said bank or branches since 1829, by members of Congress, or State Legislatures; the time such over-drafts were made; and also by printers, editors, and publishers of newspapers or periodicals, stating the time and amount of each over-draft, by whom made, the period such over-drafts remained unpaid, and the time and manner in which such drafts have been paid or secured.

Resolved, That the President and directors of the Bank be requested to furnish this committee with the particular items and the aggregate of all fees or compensations paid during each year to attorneys, counselors, or lawyers, since the establishment of the Bank; stating the amount paid to each person employed, together with their names and residence, the times when the payments were made and the particular services rendered for each charge paid; also whether the same has been paid at the parent Bank or branches, and at which, designating them; also of all sums paid as a general or annual fee or salary to counsellors for the Bank, specifying the name of each person, the amounts, and times, and places of payment, and also whether such sums were paid by the order in each case of the Board of Directors, or how otherwise paid, designating such sums as have been paid in cash, and such as may have

been passed to the credit of such persons or others in payment of any debt or debts due to said Bank.

Resolved, That the President and Directors of the Bank be requested to furnish this committee with the entire correspondence between the Bank and the New York branch since the 1st of January, 1833.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement of all the accounts and copies of the entire correspondence between the Bank or any of its officers and ———: also the correspondence of the Bank, or that of any of its officers with the officers of the Branch at Washington, touching the debt owing, or which has heretofore been owing by them to the Bank of the United States or any of its branches, or touching any negotiations for the loan or payment of money since the 1st of January, 1833.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement showing the amount of debt directly or indirectly due or owing to said Bank by ———, and ———, or either or both, jointly or severally, or by any other person for their benefit, or the benefit of either of them; showing also the amount of debt thus due at any time heretofore, with a statement of all payments on their account, with the dates thereof since the 1st of April, 1832, with copies of any deed or deeds of trust, arrangement, contract, agreement, or assignment, entered into between said Bank and them, or either of them, or others for the benefit of said Bank, or in which it may have a beneficial interest; also copies of the entire correspondence between said Bank or any officer thereof, and the said ——— and ———, or either of them; also a copy of any consent which the Bank may have given, so far as concerned, permitting ——— to establish and publish a newspaper in the city of ———, notwithstanding his contract with ——— to the contrary.

Resolved, That the President and Directors of the Bank be requested to furnish this committee with a statement of the amount of debt directly or indirectly due or owing to the said Bank, or any of its branches, from ———, editor of the ———, or any other person for his account and benefit; stating the maximum of his loans or debt at any time since he became indebted, the times and places when and where contracted, and the time and manner in which the same has been paid, reduced, or secured, and of copies of its entire correspondence with the said ———.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a statement showing the details of the debt which has, at any time, been owing by ———, publisher of the ———, since March, 1832, and showing how the same has been settled, secured, or arranged; also copies of all proceedings of the Board of Directors, or any committee or officer of said Bank, in relation to said debt, since that period; showing also the amount of loss, if any, it has, or may probably, sustain by him.

Resolved, That the President and Directors of the Bank be requested to furnish this committee with copies of all legal opinions which it may have obtained from counsel, touching the right of the bank to hold the public moneys, contrary to the powers or orders of the Secretary of the Treasury to remove the same; also copies of all the opinions obtained from counsel in relation to delivering over, as directed by the proper officer, the funds, books, and papers, provided for paying revolutionary pensioners, or annuities, under the act of 7th June, 1832.

Resolved, That the President and Directors of the Bank be requested to furnish this Committee with a detailed statement of all loans made since the first of January, 1829, to individuals who then were, who have been since, or who now are members of Congress, stating the amount of each loan, when the same was made, for what term the security was given, and the time

when such security was received, and also the security which the Bank now holds, and the amount now owned by any and each of such borrowers, or any other persons for the benefit of such borrowers, at the Bank or either of the branches; and stating also the particulars of any such loans which have been protested, or which are now under protest, and the names of the parties to any such debts; also the names (if any) of such persons whose notes have been renewed, with the names of individuals, parties to said renewals, whose notes were under protest at the times such renewals were made, and also whether such loans in each case were made by the Directors or otherwise, and by what authority.

No. 22.

Bank of the United States, May 1, 1834.

Sir—I am directed by the Committee of the Board of Directors of the Bank of the United States, to acknowledge your letter of the 29th of April, and the copies enclosed with it of various resolutions of the Committee of the House of Representatives of the United States.

The Committee deem it proper to lay your communication before the Board, and would for that purpose, have convened a special meeting before this time, but that it seemed to them necessary, first, to collect certain materials of information for the Board. This work they caused to be begun as soon as they could; it will be completed at the earliest moment possible, so as to be laid before the Board to-morrow, after which, no time will be lost in communicating to you their decision.

With great respect,

I have the honor to be,

Your obedient servant,

JOHN SERGEANT, Chairman.

Hon. Francis Thomas,

Chairman of the Committee of Investigation.

No. 23.

Bank of the United States, May 2, 1834.

Sir—I have the honor to acknowledge your communication of the 1st instant, together with sundry copies of resolutions which accompanied it. They have been laid before the Committee and before the Board.

The Committee this morning also laid before the Board your communication of the 29th ult., and the copies of resolutions accompanying it; and they have directed me to inform you, that as the resolutions of the 1st inst., will involve the necessity of a similar inquiry as those of the 29th ult., the Board do not deem it expedient to decide upon the one until they are prepared to decide upon the other. As soon as this decision is made it will be communicated to you.

With great respect, &c.

JOHN SERGEANT, Chairman.

Hon. Francis Thomas,

Chairman Committee of Investigation.

No. 24.

*North American Hotel,
Committee Room, May 2, 1834.*

Sir—In compliance with the directions of the Committee of Investigation, I have the honor to enclose to you the accompanying copies of resolutions; and remain

With great respect,

Your obedient servant,

FRANCIS THOMAS, Chairman.

To John Sergeant, Esq.

Chairman of the Committee of Directors of the Bank of the U. S.

No. 25.

[Enclosed in foregoing.]

*Committee Room, (North American Hotel),
May 2, 1834.*

Resolved, That the President and Directors, of the

Bank of the United States be required to submit for the inspection of this Committee, at their Committee Room at the North American Hotel, on Saturday, the 3d day of May instant, at 11 o'clock, A. M., the book or books which contain the minutes of the proceedings of the Board of Directors, at their several sittings, on the 1st and 8th days of October, in the year 1833, and from the 21st day of April, 1834, to this day.

Also the report of a Committee of the Board, rejecting a proposition to transmit a copy of certain resolutions adopted on the first day of October, 1833, to the Secretary of the Treasury of the United States; also, the expense book of the Bank, and the vouchers for expenses paid or incurred by said Bank, since the 1st of January, 1832.

A true copy:

RICHARD RUSH.

No. 26.

*Committee Room, (North American Hotel),
May 2, 1834.*

Whereas this Committee, sincerely desirous to conduct the inquiries, examinations, and investigations which they have been required by the House of Representatives to make, with fairness, impartiality, order, and despatch, have learned with regret, that the Directors of the Bank of the United States have declined accommodating this Committee with a room in their banking house, for the exclusive use and occupation of this Committee: Therefore,

Resolved, That the sittings of this Committee shall be held in their room at the North American Hotel, in the City of Philadelphia, until otherwise ordered.

A true copy:

RICHARD RUSH.

No. 27.

Bank of the United States, May 3, 1834.

Sir—I am directed by the Committee of the Board to acknowledge the honor of your letter of the 1st instant, covering sundry resolutions of the Committee of Investigation; and in reply to that letter, as well as in further reply to your letter of the 29th ult. to enclose to you a copy of the resolution of the Board of Directors of the Bank of the United States, at a special meeting convened this morning for the purpose of taking into consideration the several communications of the Committee of Investigation, not heretofore answered.

With great respect,

Your obedient servant,

JOHN SERGEANT, Chairman.

The Hon. Francis Thomas,

Chairman of the Committee of Investigation.

No. 28.

[Enclosed in the foregoing.]

Resolved, That the Board do not feel themselves at liberty to comply with the requirement of the resolutions of the Committee of Investigation of the 29th ultimo and 1st instant, and do not think they are bound to do so, inasmuch as in respect to a part of the papers called for, the effect would be the same as the surrender of their books and papers to a secret and ex-parte examination, which they have already refused to consent to; and as to the other part, they relate to matters over which the Board have no control; and if they could overcome these objections, and had the power over all the papers, still it would be impossible for them to comply within any reasonable time, having ascertained, by a careful examination, that the copies and statements, called for by the resolutions of the 29th ult. alone, would require the uninterrupted labor of two clerks for at least ten months to make them out; and that the remaining resolutions, so far as they concern matters not beyond the reach of the Board, would require great additional time, which they are notable exactly to compute, without causing what they fear would be an inconvenient delay to the Committee of Investi-

gation; and they take it for granted that it would no more comport with the views of the Committee of Investigation to wait till so distant a period, than it would with the rights of the Bank to have such a burthen imposed upon it.

No. 29.

Bank of the United States, May 3, 1834.

Sir—I am directed by the Committee of the Board to acknowledge the honor of your letter of the 2d instant, covering copies of the two resolutions of the Committee of Investigation, and to inform you that a special meeting of the Board was called at the earliest practicable hour this morning, that there might be no disappointment or delay to the Committee of Investigation. The answer will be found in the copies of the resolutions, herewith transmitted by order of the Committee.

With great respect,

I have the honor to be,

Your obedient servant,

JOHN SERGEANT, Chairman.

Hon. Francis Thomas,

Chairman of the Committee of Investigation.

No. 30.

[Enclosed in the foregoing.]

Resolved, That the Board are not aware of having declined to accommodate the Committee of Investigation with the exclusive use and permission of a room in the Banking House, unless the Committee of Investigation so construe the early and ready offer of the room by the Board with the assertion of the right of the Committee of the Board to be present at the examination and investigation of the books and papers of the Bank, and to have the care and custody of the same; and if such be the meaning of the Committee of Investigation, then the Board are constrained to adhere to the ground as they think of manifest right, taken in their resolution of the 28th ultimo, namely, that "the Board cannot consistently with their sense of duty to the Bank, and of the obligations of the trust committed to them, consent to give up the custody and possession of the books and papers of the Bank, nor permit them to be examined but in the presence of the Committee appointed by the Board.

Resolved, That, with every disposition on the part of the Board to conform to the wishes of the Committee of Investigation, so far as it may be done without the violation of the trust reposed in them, the Board cannot nevertheless, consent to let the books and papers of the Bank go out of their care and custody, nor out of the banking house, which is their proper place of deposit; and therefore, they cannot comply with that part of the resolution of the Committee of Investigation of the 2d inst., which requires that the books and papers of the Bank be sent to the North American Hotel this day at 11 o'clock, believing that this would be contrary to their duty to the stockholders, and would transcend their lawful power, as well as be liable to be deemed an abandonment of the right to be present by themselves, or their Committee or agents, at the examination and investigation; inferring, in all these respects a very grave responsibility which the Board, in their limited authority, do not think they can reasonably be required to assume.

No. 31.

Committee Room, May 5, 1834.

Sir—By authority from the Committee of Investigation, I have the honor to enclose to you the accompanying resolution; and to be

With high respect, your obedient servant,

FRANCIS THOMAS.

To John Sergeant, Esq.

Chairman of the Committee of Directors U. S. Bank.

No. 32.

[Enclosed in the foregoing.]

Whereas, the President and Directors of the Bank of the United States have refused to submit certain of their books and proceedings to the inspection of this Committee at the Committee room at the North American Hotel, as required in the Committee's resolution of the 2d instant, but have declared that they are not aware that they have declined to furnish this Committee a room in their banking house, for its exclusive use and occupation as expressed in the second resolution of the 3d instant, and this Committee is earnestly desirous fully to execute the resolution of the House of Representatives, and does not waive its right to inspect the books of the Bank as required: therefore

Resolved, That this committee will repair to the banking house this day at one o'clock, to inspect such of the books called for in the resolution of the 28th of April, 1834, and such other books as they may require to be produced: and the chairman inform the Committee of Directors of the Bank thereof.

A true copy:

RICHARD RUSH.

No. 33.

South Fourth Street, No 89.

May 5, 1834, 11½, A. M.

Sir—I have the honor to acknowledge your letter of this date, just now received.

It appears to me impracticable to bring together the Committee, and to make the needful arrangements for their receiving you, and attending the investigation and examination of the books and papers of the Bank, in conjunction with the Committee of Investigation, by the time you mention. They will be re-assembled, however without unnecessary delay, and, I do not doubt, will notify to you the time when they will be prepared to meet the Committee of Investigation, and act with them in the investigation and examination—probably not later than some hour to-morrow.

With great respect,

I have the honor to be,

Your most obedient servant,

J. SERGEANT, Chairman.

Hon. Francis Thomas,

Chairman of the Committee of Investigation.

No. 34.

North American Hotel, May 5, 1834.

Sir—Your unofficial communication has just been delivered to me. The members of the Committee of Investigation separated this morning, after adopting the resolution which I have had the honor to transmit to you, to re-assemble again at one o'clock, to enter on the performance of their duty, at the Bank. I have no authority to signify that this purpose will be changed by your letter.

I take pleasure in adding, that I have no doubt the Committee will be pleased to see any member of the Committee of Directors, at the hour appointed, at the Bank.

And am, with great respect,

Your ob't serv't,

FRANCIS THOMAS.

To John Sergeant, Esq. Chairman, &c.

No. 35.

Ordered, That the Cashier of the Bank of the United States be, and he is hereby requested and required, to submit for the inspection of the Committee, the minute books containing the proceedings of the Board of Directors since the first day of January, 1829.

No. 36.

Bank of the United States, May 5, 1834.

Sir—I have had the honor of receiving from you personally, in my interview with the Committee of Inves-

tigation, a resolution of the said committee in the following words:

"Ordered, That the President of the Bank of the United States be requested and required to submit to the Committee of Investigation, the minute book containing the proceedings of the Board of Directors of the Bank of the United States; the expense account and vouchers for expenditure, under the resolution of the Board of the 30th of November, 1830."

In answer to the requisition, I have the honor to state that I have not the custody of, nor control over, the books and papers mentioned in the resolution. The general custody of the same is in the Board of Directors of the Bank, who by resolutions of the 24th and 28th ultimo, already communicated to the Committee of Investigation, appointed a Committee of Directors, for the purpose of exhibiting these books and papers to the Committee of Investigation, and declared that they could not permit them to be examined, except in the presence of said Committee of Directors. I am, therefore, unable to comply with the requisition contained in the resolution.

I have the honor to be,

Very respectfully yours,

N. BIDDLE, President.

Hon. Francis Thomas,

Chairman of the Committee of Investigation.

N.B. A reply, similar to the above was addressed by the Cashier to the Chairman of the Committee of Investigation.

No 37.

Bank of the United States, May 6, 1834.

Sir—In the absence of the Chairman of the Committee of the Board, owing to a cause explained to you yesterday, I have the honor to send you here with a copy of the resolutions the Committee have adopted at a meeting held this morning.

With great respect, I am, sir,

Your most obedient servant,

S. JAUDON, Cashier.

The Hon. Francis Thomas,

Chairman of the Committee of the H. of R.

No. 38.

[Enclosed in the foregoing.]

At a meeting of Directors held at the Bank on the 6th day of May, 1834, the following resolutions were adopted.

Resolved, That the Committee of the Board will be prepared to receive the Committee of the House of Representatives, at the banking house of the Bank of the United States to-morrow morning, the 7th instant, at 11 o'clock, then and there to proceed in the execution of their duty, according to the requirement of the charter, and in conformity with the instructions of the Board, as contained in the several resolutions, copies of which have heretofore been communicated to the Committee of the House of Representatives of the United States, as the same has been explained to be understood by this Committee; to which understanding they continue to adhere.

Resolved, That a copy of the foregoing resolutions be transmitted by the Cashier to the Hon. Francis Thomas, Chairman of the Committee of Investigation, in reply to his communication of yesterday to the Chairman of this Committee.

(To be concluded.)

SYSTEM OF GENERAL EDUCATION.

APPENDIX.

(Continued from page 333.)

To the Honorable the General Assembly of the State of Connecticut.

In obedience to a resolve of the General Assembly of 1831, requiring "the Comptroller to furnish each

school society committee in this State with blank forms, to enable said committees to make return to the Comptroller, on or before the 1st of March next, of the number of school districts; the length of time a public school is kept in each; if the instructor is male or female; the compensation; the number of scholars; the studies pursued, and books used; and any other information to enable the Comptroller to report to the next General Assembly, the condition of common schools."

The Comptroller respectfully reports:

That as directed by the above resolution, he prepared and forwarded to the several society committees in this State, blank forms, to be filled by them with the information required. And of the 208 societies into which the State is divided, returns have been received from 136, which accompany this report.

It will be perceived, that of this partial number of returns, many are incomplete. In some of them, items of information called for, are altogether omitted, (as in the case of the number of scholars taught.) In many instances, districts are omitted, as not heard from, rendering it impracticable, even if the numbers taught in others, were, in all cases returned, to obtain a correct comparative view of the proportion between the enumeration of persons, and the number actually taught. In others, the pay of the teachers is stated as *including* board; in others, the amount inserted, is *exclusive* of board. But in most cases, the facts last mentioned are not stated, and remain uncertain; consequently, no correct average of compensation can be obtained. The time which schools are taught, is often equally indefinite; some committees returning the *winter* school only, others returning the amount of teaching for the whole year.

The Comptroller regrets, that from the above causes, he is unable to make a definite report on these particulars; but on other points, the returns are more complete; and although but two-thirds of the societies have been heard from, yet as some returns are received from each county, and nearly in an equal proportion from each, it is believed that the result may be relied upon, as affording a correct general view of the common schools in the State. And it is gratifying to observe, that although there are some obstructions in the progress of improvement, the schools, almost universally, as far as they are heard from, show, that within a few years, a great improvement has been made in respect to the books used for instruction; and branches of learning are now universal in our *common schools*, which a few years since, were considered as belonging, almost exclusively, to schools of an higher order. It would seem to follow, that if the teachers understand the books which they use, and are qualified to impart to, and fix in the minds of their pupils, the knowledge which they contain, our primary schools are at present, much superior to those of former years.

It appears that in addition to reading, writing, and arithmetic, grammar and geography are taught in every society from which returns have been received, and with few exceptions, in every district, and are probably taught in every school society in the State. In about one-fourth of the returns, books upon the subject of surveying, chemistry, natural philosophy, history, geometry and algebra, are mentioned, as being, one or more of them, used in many districts.

The books most extensively studied, after those on the first rudiments, are, on arithmetic, Daboll's, in nearly all the societies, and Colburn's and Smith's in many, besides three or four others, less extensively. In geography, the books of Woodbridge and Olney are used in nearly equal numbers, one or both are employed in nearly every society; Morse, Parley, Willet, Cummings, Worcester, and others are also mentioned. Murray's Grammar is used in more than three-fourths of the societies returned. Greenleaf's, Webster's, and Dowd's grammars are preferred in nearly the order in which they are here mentioned.

Under the head of "General Remarks," the committee have, in several instances, mentioned what, in their opinion, were the prominent evils attending the system, as now practised. The complaint most frequently made (in the returns) is the want of interest in the minds of the visitors, caused, chiefly by their services being *gratuitous*; and it is suggested that a small compensation shall be provided for this duty, and that the inspection should be more frequently made. In several of the returns it is complained that after the dividend received from the school fund is expended, the schools are in many instances suffered to stop. This want of interest in parents, is also said to produce another evil of still greater magnitude: the employment of incompetent teachers; the pay annually offered being insufficient to command the qualifications and experience which the duty requires. School teaching being now often resorted to by young men, in the intervals of, or preparatory to, more lucrative or permanent employment, when it should be considered as a profession, not only highly honorable in itself, but as affording a permanent and decent support, and a business for life. Under this head, several of the committees also recommend that the qualifications of teachers should be defined by the Legislature.

The diversity of books upon the same subject, and the variations in the different editions of the same books, are other evils most frequently mentioned in the returns; three or four books upon each branch of instruction, being often used, and in some instances, even five, in the same society, and two or three in the same district.

A division of the scholars belonging to the same school, under male and female teachers, according to age, is recommended by several of the committees.

Although complaints of evils in the system are made in some instances, yet in many of the returns, the schools are described as prosperous and improving; and the impression which an examination of the returns leaves upon the mind, is, upon the whole, a favorable one, and leads to the conclusion, that if a few obvious evils were remedied, and a greater interest in the subject awakened in the public mind, our common schools would soon attain to that state of improvement so anxiously looked for by the friends of primary instruction.

Letter from the Executive of Maine.

Augusta, Me. January 26, 1834.

Sir—I have the honor to acknowledge the receipt of your letter of the 13th December last, requesting information respecting the system of general education established in this State, and in reply, I herewith forward to you a copy of the laws of Maine, for the education of youth; and would observe, in answer to some of your inquiries, that we have no general school fund, and the tax required to be raised, equal at least to forty cents for each inhabitant, is assessed as other town and State taxes, on the polls and estate of the inhabitants. In some of the more wealthy and populous towns, private schools are common, but in general the children of all classes—of the rich as well as the poor—attend the public schools established by law. We have no model schools, expressly for the instruction and preparation of teachers, but they are usually educated at our colleges and academies. The salaries of the teachers vary from fifteen to twenty dollars a month; in some few instances it may be less, in others more than these sums. In a few schools the Lancasterian system has been adopted, but in general, the mode of instruction is in the usual way. The two sexes are taught together, and female teachers are usually employed for the instruction of the younger scholars. The schools taught by a master, average about three months, and those by a mistress about two months in each year. But in some towns a school is kept during the year.

Our system is undoubtedly susceptible of improvement, and the subject is now before a committee of the Legislature of this State. I will only suggest, further, that it has often been considered that a separation of the younger scholars from those that are more advanced, would be attended with a beneficial result; and a high school, to be composed of scholars selected for their good conduct and progress in study, from the primary schools, has been recommended.

I am, sir, respectfully,

Your obedient servant,

SAM'L. E. SMITH.

Hon. Samuel Breck,
Chairman of Joint Committee.

Letter of A. C. Flagg, Esq. late Superintendent of Common Schools, in the State of New York.

ALBANY, DEC. 29, 1833.

Samuel Breck, Esq.

Dear Sir:—Your letter of the 20th instant, on the subject of a general system of education, was duly received.

Gen. Dix, now superintendent, received and has answered a letter from a member of your committee, and has sent my annual report for 1833, and the school act. In the appendix to the school act, some views are given respecting the cause which operates to depress the character of teachers, and to which I refer, to avoid detail in a letter.

In organizing a system, in the first place, it should be so arranged as to persuade, and not coerce the people to adopt it. On this point, our first law gave the electors of each town, the choice of organizing under the system or not. The money was apportioned, say \$2,000 to a county, from the state treasury, and this sum was paid to the county treasurer, who received with it an apportionment, say \$200 (according to the number of souls) to each town: This town, before it could receive the \$200, must vote a tax of \$200 more, and organize into school districts and establish schools under the system. If any one or more towns stood out, then the \$200 was divided among the towns which complied with the law. Many of the best towns in the State, refused to organize for one, two, and three years; but finding that there was money apportioned to them from the state treasury, and that this went to their neighboring towns, they gradually came in; and now, every town in the State is embraced in the system. For many years, the law as to the tax and organization, has been imperative, and the school tax is annually levied by the boards of supervisors, without any vote from the town, unless the electors vote to raise twice as much as is apportioned, which they are authorized to do.—See p. 340, N. Y. Rev. S. Sub. 3 of § 5.

The system should not select out the poor, and give the school, or a portion of it, the character of a pauper system. The children of those who are able to pay, unless they withdraw and send to a private school, should share in the public money. The rich should be taxed according to property, for building the school house, furnishing it with fuel, &c.; but the children should be placed in the school upon a footing of the strictest equality. This, in my humble opinion, is a vital principle, and without it is adhered to, a system of general education, in this free country, will be repudiated, even by the poor, who have an independent spirit. In a farming community, there is no trouble in bringing all to the district school. In the cities and villages, there are many who will send to private schools; and here there is also a class who will not object to a charity school. For the extreme poor in the country, the trustees are authorized, at the close of the school, to release their parents from the school bill, and assess the same in the bills of those who are able to pay. I regret that I cannot send you the report of 1831,

in which this point is fully stated. I send a report of 1829, not because it contains any thing worthy of particular notice, but because I happen to have an extra copy. You will see by it, that we rely upon our academies to train teachers.

Respectfully,

A. C. FLAGG.

(To be concluded.)

From the Commercial Herald.

BOARD OF TRADE.

At a stated meeting of the Directors of the Philadelphia Board of Trade, held at their apartments, in the Exchange, June 12, 1834.

John C. Rockhill, in behalf of the committee on the Portage Rail Road, submitted the following Report; which was read, approved, and ordered to be published.

THOMAS P. COPE, President,

J. M. Wright, Secretary.

The committee, appointed at the last stated meeting of this Board, to examine into the present condition of the Portage Rail Road and Canal Transportation, between Philadelphia and Pittsburg, beg leave to report—

That they have given the subject that careful attention which its importance to the trade of Philadelphia demands, and it gives them great pleasure to inform the Board that the Canal and Rail Road are both at this time, in good order, with every appearance of continuing so for the future—and that merchandise now leaving Philadelphia by the Canal, arrives in Pittsburg with safety and certainty, in ten or twelve days, at a cost of one dollar per one hundred pounds, and the products of the west are brought to this city at an average cost of fifty-five to sixty cents per one hundred pounds, and we are assured that on the completion of the second track of the Rail Road, (which is now in progress) seven to nine days only will be required to perform the passage—and it is probable that some reduction may then take place even on the present very low price of carriage.

The committee also take great pleasure in stating that considerable quantities of western produce, viz: cotton, tobacco, hemp, pork, flour, whiskey, iron, &c. are now brought to this market by the Canal from Pittsburg; and should the Commissioners see the propriety of reducing the tolls, on country produce particularly, we have no hesitation in saying, that the revenue will be greatly increased, by the increase of business, and the trade of Philadelphia vastly augmented.

Many of the heavy articles of merchandise, which were formerly shipped from Philadelphia to the western states, by the way of New Orleans, are now forwarded by the Pennsylvania Canal and Rail Road, to Pittsburg, and many articles, such as coffee, wines, liquors, queensware, fish, &c. which, for some years past, have been purchased by the western merchants in New Orleans, are now bought in Philadelphia, and, if it is possible to lower the present price of freight to Pittsburg, the advantage to this city will early be perceived.

Occasional delays and irregularities having taken place in the transportation of merchandise in the early part of the season, we have thought proper to explain the causes which led to these results.

Our western friends have complained of these delays, which, in some cases have been from ten to fifteen days over the promised time. But they will bear in mind, that on the opening of the canal, carriage to Pittsburg by waggons was three dollars and fifty cents, and that it immediately fell to one dollar and fifty cents and one dollar and seventy-five cents per one hundred pounds. That it was in the height of the spring trade, and the amount of merchandise ready for shipment was immense,

and that for these delays, the transporting companies have paid them heavy damages, so much so, that in many cases, their goods have been delivered in Pittsburg almost free of expense.

On the opening of the Canal it was believed that the Rail Road would be ready and competent to convey all merchandise over the mountains, which could be brought by the boats, and under this impression the companies received goods in Philadelphia more freely than circumstances afterwards proved they should have done. They had contracted in Pittsburg for an ample number of cars, under a positive assurance that they should be delivered to them on the opening of the Canal. These contracts to their great disappointment were not fulfilled, and not more than half the cars were delivered until the spring trade was nearly over.

The rail road, by inclined planes, was, comparatively, a new undertaking, and of course, not well understood, (its management under any circumstances, requiring great skill and attention,) and delays, as may well be supposed, were the natural consequence. The road in many places, where horses are used, was in an unfinished state, requiring the cars to be towed like canal boats. The cars were new and frequently got out of order. The horses were unaccustomed to this mode of working, and had often to clamber along the sides of the road, and on the edges of precipices, over which they were occasionally precipitated. These, and many other difficulties caused delays which were unavoidable, and, to overcome which, these companies certainly deserve great praise. We are only astonished how they succeeded so well: for we have been informed by one of them (Messrs. Leech, Robert & Toland) that they have delivered every package of merchandise they received this season in good order, amounting to two thousand five hundred tons; and they have brought to this place, in return, about fifteen hundred tons of country produce, tobacco, cotton, flour, pork, whiskey, hemp, iron, &c. &c. and delivered it in like good order.

The difficulties of a new undertaking are now, in a great degree, overcome; and the board may with confidence, assure our western friends that they may, hereafter, rely with certainty on their goods being forwarded with safety and despatch.

There are now on the Portage road 156 cars, capable of conveying, daily, each way, 270 tons. And the stationary engines, working 13 out of the 24 hours, can pass daily, each way, 500 tons; so that it is believed no delays, for the future can possibly occur. It is contemplated, the ensuing season, to use locomotive engines on a great portion of the road, where horses are now employed, which will greatly facilitate the transportation; and it is believed the rail road from Philadelphia to Columbia, will be used by the companies, for light freight at least, and we have every reason to believe that merchandise will, by this conveyance, reach Pittsburg in six days.

The committee submit a comparative statement of the expenses of shipment from Louisville, Kentucky, to Philadelphia, by the way of New Orleans; and by the way of Pittsburg and the Pennsylvania canal—

Freight from Louisville to New Orleans, average	30 cts pr 100
Freight from New Orleans to Philadelphia, average	50 cts pr 100
Insurance from Louisville to New Orleans,	1 per cent.
Insurance from New Orleans to Philadelphia,	1½ per cent.
Charges—Commission for receiving and forwarding,	\$1 per hhd.
Expenses of transhipment average,	75-100 do.
Time of passage from Louisville to Philadelphia, average	40 days.
Freight from Louisville to Pittsburg, average	20 cts pr 100

Freight from Pittsburg to Philadelphia, average	60 cts pr 100
Insurance from Louisville to Pittsburg,	$\frac{1}{2}$ per cent.
Insurance from Pittsburg to Philadelphia,	nothing.

No charges for commission or transhipment are made in Pittsburg, the produce being taken immediately from the steam boats to the canal boats, and the freight paid to Pittsburg by the transporting companies. Time of passage, average 20 days. Goods have been delivered in Louisville, recently, in 15 days; and we have every reason to believe that this will be the average time next season.

Merchandise purchased in Baltimore, or any of the seaport towns east of New York, can be forwarded to all places on the banks of the Ohio river, by the way of Philadelphia, and the Pennsylvania Canal, cheaper than by any other mode of communication; and produce, can now be forwarded from Louisville to Philadelphia, by the Pennsylvania Canal, at as cheap a rate, as to New York, by the Ohio and New York Canals; and it is only necessary for the tolls on our canal to be regulated on the same principles as those of New York and Ohio, to give Philadelphia, as a market for foreign shipment, a decided advantage.

One lot of 500 hhds. of Kentucky and Ohio tobacco, is now passing through our city from Pittsburg to New York, by contract, at 75-100 per 100 lbs. But the present rate of tolls, (being 33 cents per 100 lbs.) leaves too small a sum to make it an object for the carriers. Ten thousand hhds. have already passed through the Ohio Canal, to New York this season. All of which is respectfully submitted.

T. C. ROCKHILL,
WM. W. M'MAIN,
T. P. HOOPES.

Philadelphia, June 11, 1834.

ADDRESS OF THE POLISH EXILES,

To the Citizens of Philadelphia.

Since the tyrant of the north has subjugated our unhappy country, the sons of Poland have been dispersed throughout the globe, to bring their complaints before the free nations of the world.

The *Austrian capital*, which, without the aid of the valiant Sobieski, might at this day have been wearing the yoke of Mussulman barbarity; *France*, in whose cause the waters of the Nile, the Tiber, the Tagus, the Gaudiana, and the Elster, have been crimsoned with Polish blood;—that France, in whose cause the burning sands of Egypt, the pestilential climate of St. Domingo, and the snows of frozen Siberia, have swallowed up so many of our brave warriors; in a word, all Europe, which our last struggle, for a time perhaps, shielded from the invasion of northern barbarians—ungrateful Europe has forbidden us to breathe her air, and has driven us like the victims of some contagious malady, beyond the confines of her territory.

But heaven, as if moved by our tears, has at length been pleased to solace our afflictions, and to grant us a respite from so many calamities. The free country of the Washingtons, the Jeffersons, and the William Penns, welcomes us to its hospitality. American citizens stretch forth to us their fraternal arms. We find ourselves in the enjoyment of the same rights and the same protection as those who have fought for the liberty and independence of this happy country. But, generous Americans! what have we been able to bring with us to this home of the free? What, but a pure conscience, the remembrance of our ancient glory, and a determination to become useful citizens in the land of our adoption? What service have we been able to render you? Yet you honor us with your friendship, aid us with your counsels, and relieve us with your generosity.

But it is to you in particular, citizens of Philadelphia, that in the name of their compatriots, and in the name of their country, the Poles, to whom you have condescended to extend your protection, would testify their heartfelt gratitude. Our first arrival in your city was marked by a sympathy for our condition.

To the venerable chairman of your committee, Mr. Carey, the constant protector of all the unfortunate, whose heart is ever open to the calls of suffering humanity, we would express our profound and grateful acknowledgments, begging him to impart the same to those benevolent citizens who are united with himself in the discharge of the arduous labors undertaken on our account. We beg him to assure the committee, and all the citizens of Philadelphia, of the deep sentiments of esteem and gratitude with which our hearts are penetrated—sentiments which we shall carry with us into every situation, and retain to the last moment of our lives—sentiments which we shall endeavor to evince by zealous efforts to become useful to our American benefactors, and worthy of their continued regards.

(Signed on behalf of the Poles in Philadelphia.)

MARTIN ROSIENSKIEWICZ.

Philadelphia, June 15, 1834.

RATES OF TOLL,

To be charged on the Philadelphia and Columbia, and Allegheny Portage Railways, as adopted by the Board of Canal Commissioners, and in force from and after the fourteenth day of June, 1834.

Articles.	Toll p. mile, per 1000 lbs.	C. M.
1. Agricultural implements, carts, wagons, sleighs, ploughs, and mechanics tools, necessary for the owner's individual use, when accompanied by the owner emigrating	1	
2. Agricultural productions, not particularly specified	1	0
3. Ale and Porter in barrels	1	0
4. Apples, Peaches, and other green fruit	0	8
5. Ashes Leached	0	4
6. do Pot and Pearl	1	0
7. Barley	1	0
8. Bark Underground	0	8
9. do Ground	1	0
10. Beef Salted	1	0
11. Beer	1	0
12. Boards, Planks, Scantling, and all other sawed timber	0	8
13. Bricks	0	6
14. Buckwheat	1	0
15. Butter	1	0
16. Burrs, French in Blocks	1	0
17. Charcoal	0	8
18. Cheese	1	0
19. Cider	1	0
20. Clay, Earth, Sand and Gravel	0	4
21. Coal, Mineral	0	4
22. Copper, in Sheets and manufactured	2	0
23. Corn, Indian	1	0
24. Cotton	1	0
25. Deer, Buffalo and Moose Skins	1	0
26. Drugs and Medicines	2	0
27. Dry Goods	2	0
28. Earthen ware	1	0
29. Feathers	1	4
30. Fish, salted or fresh	1	0
31. Flour	1	0
32. Furniture, Household	1	4
33. Furs and Peltry, except Deer, Buffalo and Moose Skins	2	0
34. Glass Ware	2	0
35. Grind Stones	1	0

Articles.	Toll per mile, per 1000 lbs.		Articles.	Toll per mile.	
	C.	M.		C.	M.
36. Groceries	2	0	On the United States' mail, for every ten pounds	0	1
37. Gypsum	1	0	On each Burden Car	1	0
38. Hardware and Cutlery	2	0	On each Passenger Car	2	0
39. Hay	0	8	On each Baggage Car	2	0
40. Heading and Bolts for Cedar Ware	0	8	On each passenger over 12 years of age, transported in a Car of any description	1	0
41. Heading for Barrels and Hogsheads	0	6	On each passenger between 6 and 12 years of age	0	5
42. Hoop poles for Barrels and Hogsheads	0	6	Fifty pounds of baggage will be allowed to each passenger, free of charge.—All extra baggage shall be charged at the rate of one mill per mile, for every twenty pounds.		
43. Hemp and Hemp Yarns	1	0			
44. Hides Raw, of Domestic Animals	1	4	<i>Viaducts.</i> For crossing the Schuylkill Viaduct, the same rates of tolls are now or may be charged for crossing the Permanent Bridge over the river Schuylkill, at Philadelphia.		
45. Hops	1	4			
46. Iron Ore	0	5	Any person passing over a bridge or viaduct on the Railway, where toll is or may be chargeable, who shall refuse to pay such toll to the Collector, when demanded, shall pay a fine of five dollars, for each and every such offence.— <i>Harrisburg Chronicle.</i>		
47. Iron Scraps, Pigs, and Broken Castings	0	8			
48. do Castings, Blooms and Anchones	1	4	<hr/> <i>For the Register.</i> THE AMERICAN MOLE LOCUST.		
49. do Bar, Rolled, Slit or Hammered	2	0			
50. Lard	1	0	This Locust is so called from working in the ground, but the manner of its working is wholly different. It takes or removes the earth in small particles, which by moistening, it places like a mason plasters a wall or the lining of his passage, the earth being moistened naturally yields to its pressure, so that the Locust when it reaches the surface of the earth, leaves the entrance into the hole clean and entirely free from dirt, which circumstance has astonished many persons unacquainted with its habits. There is another circumstance worthy of attention: when it emerges from its shell a glutinous substance can be seen upon its body; this in a night will harden and form a brown covering for the winged insect; but if unhappily it leaves the ground too early in an afternoon, and becomes exposed to the influence of a hot sun, the glutinous matter will run, and attaching to a leaf, stem, or twig, will harden in the night, thus fastening the unfortunate insect, and securing it beyond the power of escaping, hence it miserably perishes.		
51. Lead, Bar and Pig	1	4			
52. do White, Read and Litharage	2	0	A field contains immense numbers of Locusts which in 1817, was destitute of a single tree.		
53. Leather, Dressed and Undressed	2	0			
54. Lime	0	5	On the tenth of June there happened a shower of rain, which softened the earth, and enabled numbers to penetrate to the surface.		
55. Limestone	0	4			
56. Liquors, Domestic	1	4	Two men employed in boring through a rock for a week, upwards of forty feet below the surface, discovered one of these insects working its way through a crack or crevice in the rock. They do not come up perpendicularly, but frequently about a foot from the surface, will work their way horizontally until they find the earth such as they approve.		
57. Liquors, Foreign	2	0			
58. Mahogany Wood	1	4	They come up in greater numbers where there are no trees, than where trees are to be found.		
59. Manure	0	4			
60. Marble, unwrought	0	6	The garden would being soft and loose, they ascend in numbers.		
61. do manufactured by sawing or otherwise	1	4			
62. Mill stone,	1	0			
63. Nails and Spikes	2	0			
64. Oats	1	0			
65. Oil of all kinds	1	4			
66. Oysters	1	4			
67. Paints and Dye stuffs	2	0			
68. Paper	1	4			
69. Pork, Salted or Fresh	1	0			
70. Posts, Split or Round for Fencing	0	6			
71. Potatoes, Turnips and other Vegetables	0	6			
72. Queens Ware and China Ware	2	0			
73. Rags	1	0			
74. Rails, Split for Fencing	0	6			
75. Ropes and Cordage	2	0			
76. Rosin	1	4			
77. Rye	1	0			
78. Salt passing Eastward	0	5			
79. do passing Westward	1	0			
80. Seed, Clover, Timothy, Flax and other kinds of	1	0			
81. Shingles	0	8			
82. Slate for Roofing	1	0			
83. Staves for Pipes, Hogsheads and Barrels	0	6			
84. do Cedar	0	8			
85. Steam Engines	2	0			
86. Steel	2	0			
87. Stone, entirely Unwrought	0	4			
88. do Wrought	0	8			
89. Stone, Soap	0	8			
90. Stone Ware	1	4			
91. Straw	0	6			
92. Tallow	1	0			
93. Tar	1	4			
94. Tile	1	0			
95. Timber Round and Square	0	6			
96. Tin and Tin Ware	2	0			
97. Tobacco, Manufactured,	2	0			
98. do not Manufactured	1	0			
99. Wheat	1	0			
100. Whiskey, and other Domestic Distilled Spirits	1	4			
101. Window Glass	1	4			
102. Wood for Fuel	0	5			
103. Wool	1	4			
On all articles not enumerated, passing Eastward	1	0			
On all articles not enumerated, passing Westward	2	0			

They prefer some trees to others—some they will not rest upon. The Cherry appears to be a favorite.

In the early settlement of Pennsylvania the Locusts occasioned much consternation; and thousands, nay, millions were destroyed by the settlers under the apprehension of losing all their grain, fruit, &c. by the ravenous maw of this insect, which has since proved harmless.

Among the many idle speculations which at that time were entertained, was this. That the insect deposited its eggs in the sap of trees, and in the fall of the year the sap would return to the roots, taking with it the eggs of the insects—there they would be preserved until the spring, when the young insect would appear, work its way through the roots into the earth, and then make its descent.

They conjectured the insects were employed working their way down eight years and a half, and then they would turn again and work a passage up.

If you find these communications useful, I may probably continue them in the hope that some person more capable may be induced to give the result of his observations.

"God moves in a mysterious way

His Wonders to perform,"

He hides this insect in the clay,

Where man sees not his form.

With great regard,

Yours, C. R.

DANGER OF LOCUSTS.

The annexed article is copied from the Carlisle Republican, and is presented to the attention of our readers, with the hope, that if none "of the scientific gentlemen about Carlisle," can give any "information as to their (the locust's) precise nature, habits, and use," perhaps those about Germantown may undertake the task.—*Telegraph*.

"*Danger of Locusts*.—The Lancaster Democrat states that a boy who had gathered a number of Locusts and put them into his hat, was stung in the head by one of them, which caused his death.

"We heard a stranger remark the other evening, that two children, in the vicinity of one of the neighboring Forges, had died of the stings of Locusts; but at the time placed no confidence in the statement. We have heretofore been of opinion that the nature of the locust was perfectly harmless—can any of the scientific gentlemen about Carlisle, give us some information as to their precise nature, habits, and use. Are they poisonous—are they destructive to vegetation—and for what purpose is it conjectured they were created? A communication on the subject is solicited, and we have no doubt would be read with great interest."—*Carlisle Republican*.

The following article was published in the papers of the day—1800.

LOCUSTS.

The following observations on Locusts, made in the year 1715, by the Rev. Andrew Sandel, then Rector of the Swedish Church in Philadelphia, are left on the records of the said church, in the Swedish language, being in exact translation these.—In the Month of May a peculiar kind of grasshopper or flies, called by the English *Locusts*, issued from the earth. They came up every where, even on the hard roads. They were en-

abled to pierce the earth by means of a shell that covered the whole body, even the mouth and feet. Having issued from the earth, they crept out of the shell; flew about; placed themselves every where on the trees; and made a peculiar noise. As they were in great multitudes over the whole country, their noise was so loud, that people could hardly hear the bells in the woods. They ripped the bark of the trees and put worms therein. Many expected that the trees would be dried by this; but we found next year that it did not happen. Swine and fowls fed on these insects. The Indians did also eat them, especially on the first arrival, after a previous slight roasting; from this it is probable that they are of the same kind with those eaten by John the Baptist. They were of short continuance, dying in June.

Remarks:—The worms mentioned were, no doubt, those white worm-like eggs which the present Locusts deposit in the bark. All the other circumstances correspond with those that now take place.

That the Locusts were not destructive, appears from the account given by the same author, on the extraordinary fertility of that year, in wheat, rye, Indian corn, oats, and apples.

That year was also remarkably healthy among the Swedes, as appears from the small number of deaths on the funeral records, which included a distance at least fifteen miles, north, west, and south from Philadelphia.

A great part of the little which is recorded, on the Natural History, Seasons, Diseases, &c. in the earlier times of Pennsylvania, N. Jersey, and, the now, Delaware state, we owe to the Swedish Missionaries.

The Swedish congregation in Penn., owe also the principal part of their estate to the zeal and wisdom of the said Mr. Sandel.

NICHOLAS COLLIN,

Rector of the Swedish Churches in Pennsylvania.

From the Mauch Chunk Courier.

ALLENTOWN, PA.

Allentown is situated on the west bank of the river Lehigh, near the junction of the Little Lehigh and Jordan, is one of the oldest settlements on that river, and in the different wars of America, was the scene of many a *brave and bloody deed*. It was here that Col. James Bird displayed such heroism in the early wars with the aborigines. It was here during the revolutionary war that the bells which "chime so merrily" on Christ Church in Philadelphia, were concealed by the Americans, and it was here at a still later period of our national existence, that the insurrection in which the notorious John Fries bore so conspicuous a part, was fomented, and happily for us all, smothered in its birth.

Inhabited by a few wealthy and unenterprising Germans, and cut off for many years from the different post routes by the influence of the neighboring towns, it remained inactive a long time. Its great elevation too, rendering it difficult to procure the necessary supply of water, had the effect of retarding its progress in the march of improvement, and it remained as at first, "unnoticed and unknown" until the year 1811, when by the division of Northampton county, it became the seat of justice of Lehigh county, Pennsylvania, was incorporated, and called Northampton Borough, (a name which by the way has occasioned innumerable mistakes, and might be altered with advantage.) Since that period it has improved rapidly, and bids fair to eclipse its neighbors in trade and wealth, as it has already done in point of beauty.

The town contains about 2,200 inhabitants. One English and two German Churches; two Libraries; an Academy and Boarding School—together with three smaller Seminaries; a Court House, decidedly the handsomest in the State; a Jail, for which there is little or no use; twelve or fourteen houses of entertainment,

some of which in point of size and convenience, are inferior to none in the interior of the country, and instead of the long low weather board huts of the first settlers, there are seen some splendid three storied brick buildings with granite fronts, containing stores vying with those of the metropolis.

The Mauch Chunk Company's canal has opened the trade to Philadelphia and New York, and produce to the amount of \$200,000 per annum is sent from Allentown to those cities. Elevated above the surrounding country, Allentown has been remarkably healthy, and it is a fact worthy of notice, that during the prevalence of the Yellow Fever of 1793 and '99, and Cholera in 1832 and '33, there was not a single case of either in that place, that in any way resembles those diseases. A company incorporated in 1828, have erected a splendid Water Works about half a mile from the town, by means of which a stream of cool spring water is forced up to the height of 160 feet, and distributed in cast iron pipes through the streets. As a country residence a more delightful spot could not be found.

The natural curiosities are numerous and well worth seeing. The Springs of Messrs. Martin, Smith and Worman, are justly admired by all who have seen them, while a walk to the Big Rock on the Lehigh mountain amply repays the adventurer, by the extent and novelty of the scenes which are there spread out before him on every side; a thousand feet below are seen well cultivated farms, stretching away as far as the eye can reach, except on the north, where vision is bounded by the Blue mountain, after forcing its way through which, the river may be traced meandering through a country beautifully varied until it washes the base of the hill on which the town stands, and then uniting with the Little Lehigh, Trout Creek and Jordan, rushes along the foot of the Lehigh mountain, and is lost in the distance.

The inhabitants are mild, hospitable and orderly, the situation healthy and highly romantic, and within a convenient distance from Philadelphia, to which City there are two daily line of stages. The whole number of arrivals and departures of stages amount to 76 weekly. There are four well conducted weekly papers printed in Allentown. In short, whether we consider it as a place of business or pleasant retreat from the noise and bustle of the crowded cities, it is alike remarkable, and we confidently assert that none ever visited it without assenting to the correctness of these remarks, or left it without casting a "longing, lingering wish behind."

R. W.

RAIL ROAD ACCIDENT.

Two of the Union Rail Road cars, of the Union Line Co. were, this morning, attached to a train of the burthen cars, to ascend the inclined plane, on the west side of the Schuylkill bridge; when they had nearly arrived at the summit, the coupling of the burthen cars gave way, by which accident one of the laden cars, with the two containing passengers, were forced down the plane, with an impetus that is beyond description.—When within a few rods of the bridge, the train came in contact with a burthen car loaded with sand, the shock was tremendous, the pleasure cars rose in the air, and came down in atoms: the passengers were thrown in different directions; and, what is most remarkable, all escaped with their lives, and none dangerously injured, though several were bruised, and one gentleman had his arm fractured. The two cars, belonging to Messrs. S. R. Slaymaker & Co. are completely torn to pieces; from our recollection of these splendid pieces of workmanship, we should suppose the damage, to the company, could not be less than \$2500, which is to be attributed entirely to the neglect or stupidity of the individual (in the service of the State,) in attaching the pleasure cars to the burthen cars in advance of them, contrary to the positive instructions of Mr. Eardman, the superintendent of the machinery at the inclined plane.

In justice to Messrs. Slaymaker & Co. we deem it due to them to state, that not the least blame is to be charged to them, nor any of their agents; on the contrary, we feel confident, that the proper state authorities will cheerfully remunerate them for the loss of their splendid and valuable cars. The four individuals who were injured, were at the Pennsylvania Hospital, and are doing well.—*U. S. Gaz., May 14.*

STATISTICS OF CHESTER COUNTY.

The population of Chester county, is, probably, at this time, near 60,000. It ranks with Berks and Allegheny in number of taxables, each containing over ten thousand. Lancaster comes next to Philadelphia, and has upwards of 15,000 taxables. In the fourth rank are Bucks, Montgomery, York and Washington, each of which contains about 9,000, according to the late returns.

In the assessed value of property, Chester comes next to Lancaster, and is the third most wealthy county in the state. By the assessed returns of 1832, the value of real estate is estimated at \$14,415,759, and of personal at \$3,106,870; Total \$17,522,629. To which add one third, to ascertain the real value, and for supposed amount of stocks, &c. not included, \$23,363,505, and you have some idea of the actual wealth of the county.

Probably no district in the United States, with such resources, has made as little noise or display. The population are of a race, content to pursue "the even tenor of their way." Go on to the top of Osborne's hill, where Gen. Howe stood during the battle of Brandywine, about three miles south of West Chester, and your eye will have the command of a territory containing more agricultural wealth, with a degree of agricultural improvement, than any horizon of ten miles diameter to be found in this country.

The navigation along our north eastern border, where we are bounded by the Schuylkill for some 20 odd miles; the Pennsylvania Rail Road, which passes through the heart of the county about thirty miles; and the West Chester rail road, nine miles in extent, have brought us into public notice. The Branch of the West Chester Rail Road, about a mile and a half in length, will soon be completed, and connect this place with the limestone and marble of the Valley, the Susquehanna trade, and open an extensive intercourse with the western part of the county, Lancaster and Columbia. The whole cost of this road will then be about \$100,000—the main line graded for a double track, the branch for a single track, and one track laid on each. This is the work of a private company. The passenger cars pass and repass twice every day between this borough and the city—leaving each place at 7 in the morning and half past two in the afternoon—fare through one dollar—time $3\frac{1}{4}$ to 4 hours. When the locomotives are finished the distance will be accomplished in two hours. A line of transportation cars also leave this place for the city every other day, and return the next day; the expense of hauling is fifty per cent less than before the Rail Road was completed, and the burthen cars have full employment.

The senior editor of this paper has prepared an interesting table, which has been made out with great care and labor, furnishing a summary of our statistics, with actual data for each township, which is hereto annexed.

It gives the following results:—

- Chester county contains,
- 2 Furnaces,
- 6 Forges,
- 6 Rolling mills,
- 3 Nail Factories,
- 12 Tilt Mills and Edge tool Factories,
- 1 Gun Factory
- 157 Flour Mills
- 187 Saw Mills

- 21 Cotton Factories
 30 Woolen do.
 33 Paper Mills
 27 Cloverseed Mills
 32 Meeting houses of Friends
 25 Do of Methodists
 17 Do of Presbyterians
 11 Do Baptists
 8 Do Episcopalians
 5 Do Lutherans
 3 Do Menonists
 4 Do German sects not ascertained
 1 Do Catholic (at West Chester.)

From actual inquiry it is ascertained that not more than one third of the water power of the county is yet occupied.

The county is intersected by the Philadelphia and

Lancaster turnpike through the centre from east to west, and by the Gap and Newport turnpike, some 20 miles in extent in the south west, from Lancaster county to the Delaware state line. The Little Conestoga turnpike leads from the Warren Tavern, in the Great Valley to Berks county, 16 miles; the Downingtown, Ephrata and Harrisburg Turnpike, is about 15 miles of it in this county.

If there should be any error in the accompanying table, individuals acquainted with the fact, will do a public service by communicating it to the editors of this paper.

Can any one furnish the number of lime kilns in the county; or give an idea of the quantity of lime annually burnt—what proportion is used for agricultural purposes, and the aggregate value of the article sold at the kilns?

	Furnaces & Foundries	Forges	Rolling Mills	Nail Factories	Tilt Mills	Flour Mills	Saw Mills	Cotton Factories	Woolen Factories	Paper Mills	Cloverseed Mills	Quaker Churches	Presbyterian do	Methodist do	Baptist do	Lutheran do	Menonist do	Episcopal do	Real Estate.	Personal Property
Birmingham,					1	1					1								130,780	96,600
Brandywine,					4	6			1	3	2		1	2					303,374	50,310
E. Bradford,	1			2	6	9	1	1	1	1	1	2							450,412	162,090
W. Bradford,					3	4					1	2							441,987	63,360
Charlestown,					1	2							1						259,060	15,990
Coventry,		1			7	4					1				2				450,235	114,280
East Caln,			1	1	3	4					2	1	1	1					491,862	86,390
West Caln,	2				4	7	3	2			1							1	310,537	25,220
E. Fallowfield,				2	4	3				3	1	2	1	1	1				262,250	26,380
W. Fallowfield,			1		5	4	4	1			1	2	1	2	1				339,189	21,670
East Goshen,					4	3	1				1	1			1				252,452	70,830
West Goshen,					2	3													320,139	58,860
New Garden,					3	4	3	1			2	2							436,225	64,830
Honeybrook,	1				3	6					1	1	2						420,268	23,400
Kennett,					7	7			2	1	1	2	1	1					387,691	42,090
New London,		1			2	5				4		1	1	1				1	299,380	27,570
L. Britain,					2	3					1	1							151,293	9,040
London Grove,					11	12		2			1	4						1	424,277	180,560
London Berry,					2	2						1	1						124,781	7,000
E. Malborough,					3	7					1	1							421,772	98,120
W. Malborough,			1		3	3	4			1	1	1							400,326	81,460
E. Nantmeal,	2			1	6	8		1			1	1	1		1	1		1	482,274	137,160
W. Nantmeal,					4	6		1			1		2						488,707	25,960
E. Nottingham,					8	9		1	8	1	1	1	1						221,387	7,810
W. Nottingham,					2	4		1	2			1	1						68,353	8,780
Newlin,		1			2	2					1								270,743	30,040
U. Oxford,					1	4	3	1		3					1				187,019	4,980
Lower Oxford,					3	3		1	2		2	1	1	1					139,831	11,760
Pikeland,		1		1	7	7		2			2	1	2		1	2			559,629	25,500
Pennsbury,					1	2					1	1	1						355,749	54,390
Penn,					1	1					1	1	1						158,351	17,360
Sadsbury,				2	10	6		2	1	1	1	1	1						448,634	43,480
Schuylkill,			2	2	3	4	1	1			1	1	1	1	1		1		381,510	68,890
Tredyffrin,					4	3		1	1		1	1	1	1	1			1	500,453	93,120
Thornbury,																			104,087	138,170
East town,					1	2					1	1							222,930	45,550
Uwchlan,	1				3	4		1	2		1	1			1				399,064	80,700
East Vincent,					5	4				1		1				1	1		480,619	61,560
West Vincent,				2	4	5					1	1	1		1	1			226,923	100,280
E. Whiteland,					2	2					1	1							398,915	120,490
W. Whiteland,					3	5					1	1	1					1	563,272	53,560
Willistown,					1	4	8		3		1	1	1						259,589	110,020
Westtown,					1	1					2	1							319,534	535,660
West Chester.																				

AN ACT TO ABOLISH PUBLIC EXECUTIONS.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That whenever hereafter any person shall be condemned to suffer death by hanging for any crime of which he or she shall have been convicted, the said punishment shall be inflicted on him or her within the walls or yard of the jail of the county in which he or she shall have been convicted; and it shall be the duty of the sheriff or coroner of the said county to attend and be present at such execution, to which he shall invite the presence of a physician, attorney general or deputy attorney general of the county; and twelve reputable citizens, who shall be selected by the sheriff; and the said sheriff shall, at the request of the criminal, permit such ministers of the gospel, not exceeding two, as he or she may name, and any of his or her immediate relatives to attend and be present at such execution, together with such officers of the prison and such of the sheriff's deputies as the said sheriff or coroner in his discretion may think it expedient to have present, and it shall be only permitted to the persons above designated, to witness the said execution:—Provided, That no person under age shall be permitted on any account to witness the same.

Section 2. After the execution, the said sheriff or coroner shall make oath or affirmation in writing, that he proceeded to execute the said criminal within the walls or yard aforesaid, at the time designated by the death warrant of the Governor, and the same shall be filed in the office of the clerk of the court of Oyer and Terminer of the aforesaid county, and a copy thereof published in two or more newspapers, one at least of which shall be printed in the county where the execution took place.

WM. PATTERSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

Approved—The tenth day of April, one thousand eight hundred and thirty-four.

GEO. WOLF.

From the Commercial Herald.

SOMETHING NEW AND IMPORTANT TO PHILADELPHIANS.

Colonel B. S. Hurt, of Nashville, Tennessee, informs us that he shipped at that place, 149 bales of cotton, 60,014 lbs. to Pittsburg, for which he paid \$2 per bale freight; the same cotton he there shipped from Pittsburg to Philadelphia, at sixty-two and a half cents per hundred lbs. and it arrived here safe yesterday, and is now for sale. The time required, ordinarily, to transport freight from Nashville to this city, is about twenty days, and it is attended with very little risk. This is a very important matter to our city and her merchants; for, if goods can be transported in so short a time, and at such a reduced freight and risk, into the heart of Kentucky and Tennessee, and even into the northern part of Alabama, we do not see what is to prevent the trade of that rich and populous section of the country, from flowing through the channels that have been formed for it, to this place; and if we are to enjoy the advantages thus secured to us, what shall prevent the future growth and extension of our city? who shall say to it, "thus far shalt thou go and no further, and here shall thy bounds be stayed?" The members of the Board of Trade merit the thanks of the citizens for the unwearied pains they have taken to make known the facilities of transportation on our canals and rail roads.

UNUSUAL.—A Mrs. Irving, of Clifford, Susquehanna county, was a few days ago delivered of four daughters at a birth; two of them died immediately, and the other two are not expected to survive long.

From the Intelligencer.

MAMMOTH LEMON.

Mr. Strong:—On a visit, lately, to North Lebanon, Lebanon county, the residence of William Lehman, Esq. Engineer of the Union Canal Company, he exhibited to me a basket of lemons of his own raising, one of which, (having had the curiosity to measure it,) measured thirteen inches in circumference one way, and eleven and a quarter the other, the residue were not much inferior in size.

Mr. Lehman has, also, in his garden the most numerous collection of the best kinds of fruit, particularly the Grape, some of which I had the pleasure of tasting last fall, I have ever seen in any private garden.

Through the liberality of Mr. Lehman in bestowing grape spouts and young grafted trees to his neighbors and friends, Lebanon county will soon become as famous for its horticultural productions, as it now is for its agricultural.

SPONTANEOUS COMBUSTION.

A circumstance came to our knowledge a few days since of spontaneous combustion, which, instead of throwing new light upon the subject, involves it in still deeper mystery. About two years since, the late Mr. S. C. Slaymaker presented to Mr. Adam Reigart of this city, a small piece of wood, evidently cedar, which he had detached from a larger piece, found in excavating the deep cut of the rail road, at the Gap, in this county, about thirty feet below the surface. This piece, weighing not more than two ounces, was broken in two, and laid upon a white pine shelf, in Mr. Reigart's counting room. About three or four days before the discovery was made, which I am about to describe, Mr. Whitaker, a gentleman who resides with Mr. Reigart, on wiping the dust from the shelf with a wet cloth, took up the pieces of wood, and after having dusted the shelf, laid them as before. Three days after this it was accidentally discovered that one of the pieces had ignited, and combustion was progressing so rapidly that the shelf would have been in a few moments on fire; and, if it had happened at night, the consequences might have been very serious. On examination a portion of one of the pieces was found reduced to ashes of a dark gray color, and from some of the outer fibres being sound, and ashes lodged in the interior under them, it would appear that combustion had commenced, not upon the outer part of the wood, nor upon the side which lay in contact with the shelf, but in the interior of the stick—the surrounding fibres being disintegrated by the action of the fire within, and ready to fall to pieces.

The shelf was at least six feet from the floor, and so situated that no spark from a candle or lamp could have communicated with it, and upon close examination it is evident that the fire was not communicated externally.

Mr. Reigart has taken proper care to preserve the remains of the wood and the ashes, as nearly as possible in the state in which they were found.

Geologists—particularly those who contend that pit-coal, whether anthracite or bituminous, is of ligneous origin; and who entertained speculative opinions upon the causes of its carbonization, may find in this singular circumstance, an elucidation of some of their theories, or ground for the support of a new one.—*Lanc. Gaz.*

Frost.—There was a severe frost in this vicinity on the mornings of the 13th, 14th, 15th, and 16th May. Icicles were formed about 20 inches in length, and 3 inches in diameter, on the night of the 14th, and the mountains were whitened with snow on the following morning. We saw and heard considerable of the effects of the frost and cold weather below the mountain from the Lehigh Gap to Bethlehem, and apprehensions are entertained among the farmers, of that vicinity that serious injury has been inflicted on the spring vegeta-

tion, and to the prospects of fruit in particular.—*Mauch Chunk Cour.*

ASSORTED CARGO.—An ark arrived at this place a few days ago, loaded with 5,000 Rakes; 600 Bench Screws; 120 Bedsteads; 1000 Hoe handles; 100 Cradle Snaths; 2,000 Window Blinds; and 12 or 15,000 Slats for Venitian Blinds. These articles came from the manufactory of Mr. Edward L. Pains, of Orwell, Bradford county, in this state, and reflected much credit on the enterprise of that gentleman. In addition to the above, we were told that on the passage down the river, about 2,000 Rakes, 1,000 Blinds, 500 Screws and 25 Bedsteads were disposed of. When the ark left Bradford county, the cargo must have been valued at between two and three thousand dollars. It will proceed to Baltimore.—*Columbia Spy, May 17.*

COAL TRADE AT PINE GROVE.—We have received a statement showing the quantity of coal shipped during the present season from this region, which, owing to the pressure of the times, is less considerable than was anticipated. The whole quantity which will be exported this year, it is estimated, will not exceed eight or ten thousand tons. The shipments are mostly to Middletown, Marietta, Columbia, &c. on the Susquehanna.

Shipped by

Cauffman, Ulman & Strimpfer,	Tons.
Wheeler & Smith,	180
Henry Umperhocker,	89
Philip Gerhes,	28
William Graeff,	22
Steeves & Oliver,	28
	1,280

Total, 1,627

HEAT OF THE ATMOSPHERE BY THERMOMETER IN PHILADELPHIA ALMSHOUSE.

1833.	Sun rise.	9 A. M.	Meridian or noon.	3 P. M.	Wind and Weather.
Dec. 1	41	38	44	44	NW and cloudy
2	36	40	44	42	NE damp and cloudy
3	38	39	42	41	ENE damp and cloudy
4	37	38½	40	41	East, light rain
5	39	40	44	46	NNW and cloudy
6	38	40	44	44	NNW and cloudy
7	35	35	36	38	NE and cloudy
8	42	42½	45	48	NE, heavy rain
9	36	39	46	46	NW and clear
10	33	37	44	45	SW and clear
11	29½	32½	36½	38½	NW and clear
12	25	27	31	33	NW and clear
13	25	27	34½	36	NW and clear
14	24½	25	27	27	NE and cloudy
15	27	27½	32	33	NE with snow
16	27	32½	34	34	North and cloudy
17	41	42	43	42	NE, heavy gale with hea.rai.
18	36	37	38½	40	Fresh from North & cloudy
19	35	36	38	40	Fresh from NW and clear
20	25	28	31	33	Strong from NW and clear
21	27	30	33	36	NW and hazy
22	33	34	40	42	Strong from NW and clear
23	33	35	38	40	NE and cloudy with rain
24	38	40	43	44	NW and cloudy
25	38	39	39	39	NE with rain
26	38	38	38	38	NW and clear
27	30	32	35	35	NW and clear
28	25	28	33	34½	NW and cloudy
29	27	32	41	39	NW and clear
30	32	34	37	39	NE with rain
31	39	40	43	46	East to S and SW

N. B. The Thermometer from which the above has been taken, has an out door northern exposure.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capitol—Harrisburg, Pennsylvania,
By JAMES WRIGHT, Librarian.
NOVEMBER, 1833.

Days of the Month	Days of Week.	Morning temperature.	Noon temperature.	Even. temperature	Mean temp. of day	WINDS.
<i>Thermometer.</i>						
1	Friday	25	46	50	40	W
2	Saturday	50	76	78	68	W
3	Sunday	42	73	72	62	W
4	Monday	32	40	34	35	W
5	Tuesday	20	45	36	33	S W
6	Wednesday	30	39	40	36	S W
7	Thurs'd	40	56	52	49	S W
8	Friday	37	60	56	51	W
9	Saturday	57	61	58	59	S W
10	Sunday	40	65	60	55	W
11	Monday	40	57	51	49	S W
12	Tuesday	54	53	47	51	W
13	Wednesday	40	56	49	48	W
14	Thurs'd	28	55	52	45	S
15	Friday	38	44	38	40	S W
16	Saturday	28	39	32	33	S W
17	Sunday	25	38	36	33	S W
18	Monday	30	44	35	36	S W
19	Tuesday	25	38	44	36	W
20	Wednesday	20	53	42	38	W
21	Thurs'd	21	45	42	36	S E
22	Friday	32	44	40	39	N W
23	Saturday	25	42	43	37	S E
24	Sunday	22	44	38	38	S E
25	Monday	34	36	36	35	S E
26	Tuesday	33	32	32	33	W
27	Wednesday	27	35	34	32	S W
28	Thurs'd	35	47	39	40	N W
29	Friday	27	44	42	38	E
30	Saturday	37	45	43	42	S E

Thermometer.

Maximum on the 2d,	68°
Minimum on the 27th,	32°
Difference,	36°
Mean,	42°

Atmosphere.	Morning.	Aftern'n.
1 2 3 5 8 10 12 13 14		
19 20 23 28	13 days	fair
4 16	2 days	cloudy
6 7 9 11 15 17 18 21		fair
22 26 27 29	12 days	cloudy
25 30	2 days	rain
24	1 day	cloudy rain & sn

Days of the Month.	Wind.
29	1 day
21 23 24 25 30	5 days
14	1 day
5 6 7 9 11 15 16 17 18 27	10 days
1 2 3 4 8 10 12 13 19 20 26	11 days
22 28	2 days

On the 2d in the evening, thermometer at 78° the highest. On the 5th in the morning, at 20° the lowest. Range 58°.

The wind has been 6 days east of the meridian, 23 days west of it, and 1 day south.

Mean temperature 5° colder than last November.

* For numerous and particular descriptions of the Meteoric Phenomenon "of the 13th," by individuals in various parts of the U. States, see Silliman's Journal, Vol. 25.

HAZARD'S REGISTER OF PENNSYLVANIA.

DEVOTED TO THE PRESERVATION OF EVERY KIND OF USEFUL INFORMATION RESPECTING THE STATE.

EDITED BY SAMUEL HAZARD.

VOL. XIII.—NO. 26. PHILADELPHIA, JUNE 28, 1834. NO. 338.

From the Philadelphia Gazette.

TRIAL OF MURRAY.

Commonwealth } Court of Oyer and Terminer,
vs. } Before Judges King, Randall, Fergu-
Felix Murray. } son and Knight.

Indictment for Murder.

The prisoner was indicted for the murder of Joseph Sutcliffe, and the following jury impanelled, viz:—

Samuel Hazlehurst,	Wm. W. Thackara,
Elisha Crowel,	Benjamin Shalcross,
B. O. Hodges,	Andrew Fenton,
Joshua Lippincott,	Samuel Tiller,
William Wagner,	George Hoffman,
Joseph O. Pollard,	Jonathan Thomas,

The facts of the case are briefly as follows:—

On the evening of the 4th of November last, Sutcliffe, the deceased, was sitting with his infant in his arms while his wife was preparing supper, the two children were lying in the bed in a room of an unfinished house, in Eighth below Christian street, which he rented of Mr. Timmins, at 50 cents per week—a knock was heard at the door, (at the back part of the room, which opened upon the commons,) and Felix Murray entering asked “if the painter was in,” having been affirmatively answered, he sat down, with a wheelbarrow strap in his hand, Sutcliffe handed his infant to his wife, another entered with a club, immediately struck Sutcliffe over the head with the club, and Murray beat him with the buckle end of the strap. Mrs. S. with the infant in her arms, fled and fell through the window into the cellar and brought assistance—when she came back, the assailants had disappeared—Sutcliffe was bloody, crawling on his hands and knees and was led to the hospital, where he died on Friday evening, the 8th inst.—almost immediately after he had got to the hospital, he fell into a comatose state, from which he never recovered, and did not afterwards speak.

On his way to the hospital, he said “he was a murdered and a dying man,” and that “the man (or men) who took away the stuff had murdered him;” at Mr. Timmins’ house, he essayed to speak but his mouth being filled with blood, he could hardly be understood and muttered something like “murder or Murray.” The identity of Murray was fixed by Mrs. Sutcliffe, who said she had been acquainted with him previously and that he was one of the men who assaulted her husband. His body was bruised all over and his death was proved to have resulted from the wounds thus inflicted; Murray was not charged with the offence until the day of Sutcliffe’s death, Mrs. S. being, as she said, afraid lest Murray would go away, and was in hopes that her husband would recover. It was shown that Murray and his brother had threatened any one who should live in the house, and that about a week previously, the prisoner on passing the deceased, had gritted his teeth and muttered something in a menacing manner; and that Murray and a man named Higgins had on the night before the Sheriff sold the house, removed some stuff, or lumber from the cellar.

The defense set up was an *alibi*; Murray was shown to have worked all day Monday, (the day this act was

committed) at Frankford, and also all the rest of the week; on the 11th November, he sold his horses and carts, was paid off, and left the place to go to New York; he was arrested, on the Friday week afterwards at Bustleton, travelling as a pedlar, together with two or three others, who, on hearing before the Mayor were discharged.

His Honor, Judge King, charged the jury that he agreed with the counsel on both sides that the case had assumed such an aspect as justly entitled it to be considered of the first magnitude in the administration of criminal justice; that a case, exhibiting such a character and involving such consequences, demanded from all, the calmest, coolest, and most dispassionate reflection and consideration; that, if there could be found just grounds for a verdict of acquittal, for restoring this man to society, and to his friends it would be a source of sincere congratulation to all, as the consequences of a conviction of the highest grade of crime, impose a disagreeable responsibility upon the court.

The first object of inquiry, (continued the Judge) in this and every other criminal investigation is, what are the laws alleged to have been infringed? and what are the facts, from the establishment of which the public avers that these laws have been infringed? He said, that it was the duty of the court to expound to the jury the law of murder, as modified by our act of assembly, though the final powers devolved on the jury to decide both law and fact, and that their determination of the law in favor of an accused, was final and absolute.

His Honor here instructed the jury fully as to what was murder as understood at common law and the modifications of it by the law of Pennsylvania and read to the jury from the case of the commonwealth vs. Anderson Greene (Ashmead’s Reports 296.) and commented fully upon the English law, which involved in the same punishment, all degrees of murder and explained the definition of the word malice, as legally understood and as requisite to constitute the crime of murder.

He remarked that though the counsel of the prisoner seemed to take the ground that the prisoner must be either not guilty or else guilty of the highest species of murder, it was the duty of the court to instruct the jury, in the modifications made by the act of 1794, which subdivided murder into degrees; that prior to the passage of that act, constructive murders were punishable with death, and that if a man shooting at a tame fowl, accidentally killed a human being, he was held guilty of murder and punished with death, and that the law so continued until 1794, on the ground that the man who does an unlawful act is liable to all its consequences, even if that liability terminates his life; that in our humane and mild system, this notion was soon out of favor and led to the obliterating of those harsh features of the common law; and that by the act of 1794, the doctrine of constructive murder is repealed, and in Pennsylvania, except in the cases especially enumerated in the Act of Assembly, *the Jury must be satisfied that the party committing the violence intended to take life, otherwise the accused should not be convicted of MURDER OF THE FIRST DEGREE.*

He again instructed the Jury that they were the Judges of the law as well as of the facts, and admonished them to be careful and not to suffer any prejudice

to exist against the prisoner, arising from the transaction itself, or any thing else, but carefully to guard their feelings, lest they should be led away by the terrific scene; that if they had any doubt either of the prisoner's identity or of his intention to take life, it was their duty to let their doubt on the first point operate to a total acquittal, and any uncertainty on the second point, to relieve the prisoner from a conviction of murder of the first degree; and that they should coolly and deliberately take up the case and return such a verdict as would give justice to the prisoner, as well as to the commonwealth, and such as their consciences and judgments would ever sanction.

The jury after an absence of only twenty minutes, found him *guilty of murder in the first degree*.

A motion was made for a new trial, which was argued on the 14th June, and overruled by the Court in the following opinion:

MOTION FOR A NEW TRIAL.

KING—President.

The magnitude of the consequences of this cause, to the unhappy man before us for judgment, rather than any intrinsic difficulty involved in it, has induced us to give his application for a new trial the most careful, anxious and scrupulous attention. Every thing urged in favor of the motion, by his able, ingenious and eloquent advocates, who on the occasion, performed their duty with singular ability, has been deliberately regarded by judges who, feeling that they had the life of a human being in their hands, appreciated the responsibility of their position, and have come to their conclusions uninfluenced by prejudice, passion, or the pride of opinion. On the contrary, they can truly avouch, that during the progress of their deliberations, the yearnings of human sympathy for their fellow-man, more than once arrested the unalterable fiat of justice, and induced a reconsideration of the principles, on which he asks of us, to vacate the solemn verdict of a jury of his peers, selected by himself, rendered under a full view of the law and the facts of his case. The *UNANIMOUS* opinion of the court, formed under these influences, is it now my duty to pronounce.

Nine reasons for a new trial have been presented, which however on the argument were reduced to these, viz:—

First—Error of the court in admitting in evidence certain alleged dying declarations of Joseph Sutcliffe, the deceased, operating against the prisoner.

Second—Inadequacy of the evidence of the defendant being one of the alleged perpetrators of the crime, charged to have been committed.

Third—Insufficiency of the evidence to establish murder of the first degree, admitting all the facts alleged by the commonwealth to be unquestionable.

Fourth—After-discovered evidence. That declarations of a person who has received a mortal injury, made under apprehension of death, are admissible in evidence, as well to establish the fact itself, as the party by whom it was committed, is unquestioned and unquestionable. The principle generally assigned for the admission of such testimony, which strictly speaking, is but hearsay, is, that declarations made under such circumstances, when every hope in this world is gone; when every motive to falsehood is silenced, and the mind is induced by the most powerful considerations to speak the truth, create in the individual making them, in a situation so solemn and awful, an obligation equal to that imposed by a solemn oath, in a court of justice. If to reasons so cogent, others assuming more a character of public expediency were requested, they could be readily suggested and have been.

"Necessity absolute or moral" says the late venerable and excellent Chief Justice Tilghman, "is a sufficient ground for dispensing with the ordinary rules of evidence" 4 Binney 326. A necessity more urgent than that which requires the declarations of the dying

victim of secret assassination to be received, in order to the detection and punishment of his murderer can scarcely be supposed. The fact that such testimony may be received and operate even to condemnation, has a saving and protecting influence on society; and hence the importance that the Commonwealth should not be deprived of it in any case, by artificial distinction and scholastic refinements generally more conducive to the defeat of justice than the conservation of innocence. Sir Edward Hyde East, in his admirable treatise on the Pleas of the Crown (vol. i. Page 153) says that "evidence of this sort is admissible on the fullest necessity: for it happens that there is no third person to be an eye witness of the fact and the usual witness on occasion of other felonies, namely the party injured himself, is gotten rid of."

The difficulty in the case before the court, does not however so much arise from the abstract question of the admissibility of such testimony, as from a modification of it, introduced by one or two modern decisions and incorporated into all the recent text books. The modification alluded to, is that it is not for the jury to decide whether the deceased thought himself dying or not, when he made the declarations incriminating the defendant; but that this must be first decided by the judge before he receives the evidence (2 Russell 687, 2 Starkie 459—60.) If this doctrine means no more, than that a *prima facie* case of the moral consciousness required, as one preliminary to the admission of such testimony, should be exhibited to the Judge before introducing it to the jury, it may, perhaps, be conceded. Proof of handwriting affords an analogy to such a doctrine. But if the cases really go to the extent which has been urged in the argument, viz: that courts are the exclusive judges of the state of the decedent's mind when he made the declarations proffered in evidence, I must be permitted to add my doubts to the more weighty ones of Sir David Evans, who in the appendix to his translations of *Pothier on obligations* (295) calls in question the authority of the King vs. John 1 East P. C. 357 where the doctrine was first broached to the extent referred to; all legal analogies would seem to indicate, that when in a case of declaration, made by one most mortally wounded, as to the fact and perpetrator of the injury, *prima facie* evidence is submitted to the Judge that they were made under a consciousness of impending death, he should receive the evidence, and leave the jury to determine, whether the deceased, was really in such circumstances, or used such expressions, from which the apprehension in question was inferred; whether such inference is correct; whether the declarations against the accused were actually made by the deceased; and finally whether they are accurate and sincere. There are but two English adjudications on this subject before the Revolution and of binding authority here; the first, decided by Lord Chief Justice King, at the old Bailey, in 1720, and thus briefly reported in the 12th Viner, p. 118. Title evidence (A. b. 38) Pl. 13. "In the case of murder, what the deceased declared after the wound given, may be given in evidence. The King v. Ely. The other is the case of the King vs. Itason & Tranter, reported in 6th State Trials p. 201.—and in 1st Strange p. 500 decided in 1721. In this case there was indeed the clearest evidence that Mr. Lotterell, the deceased, when he declared the defendants to be his murderers was under the assured conviction of death, but the point as to the peculiar and exclusive duty of the court to decide whether he made these declarations under the consciousness of inevitable death, was not agitated or considered. It was, in the case of the King vs. Woodcock, 2 Leech 563, decided in 1789, and of course not authority here, that Lord Chief Baron Eyre, laid down the principle on which such testimony is received, in the beautiful language since universally adopted by the text-writers. But it is a curious fact that in this very case from which the principle is supposed to be derived, that the court

must in the first instance decide upon the existence of the consciousness of death on the mind of the defendant before permitting his declarations to go to the jury. Chief Baron Eyre actually left it for the jury to consider "whether the deceased, was not in fact under the apprehension of death" when she made the declarations charging the accused; and if they were so satisfied that the declarations were admissible. The defendant was found guilty and executed. In the *King vs. John* (decided in 1790) it was ruled to be error to leave the question to the jury to say whether the deceased thought he was dying or not, "for," says the court, "that must be decided by the Judge before he receives the evidence." This rule seems since to prevail in England; but with this important qualification that the consciousness of death may be *inferred* by the judge from the nature of the wound or state of illness or other circumstances of the case, although the deceased should not have expressed any apprehension of danger. To this point the authorities are numerous and express, 2 Russell on Crimes 657—2 Starkie on Evidence 460—1 Phillips on Evidence 201—1 East Pleas Crown 357—1 Chitty on Criminal Law 464.

Admitting for the purpose of this case, and for this object we distinctly do so, that the law is, as laid down in the treatises on criminal evidence, we come to the inquiry how far the facts authorized the court to decide in favor of the admissibility of the dying declaration of Joseph Sutcliffe.

On the fatal night of the 8th of November, between 7 and 8 o'clock, Sutcliffe was seated at his fireside to which he had but a short time before returned from the labours of the day; supporting an infant child in his arms in relief of his wife, who was preparing his humble meal; while so engaged, some one knocked at the door, and Felix Murray, the defendant, entered, seated himself and asked if the painter was in—(the deceased was by trade a painter.) Sutcliffe's wife answered in the affirmative. He sat two or three minutes when the latch of the door was again lifted—Mrs. Sutcliffe asked him if he had left his company out of doors—he made no reply—almost instantly another person, to this moment unfortunately unknown, rushed into the room armed with a club which she describes as looking "like a hickory stick, something like an axe handle, only thinner;" who instantly seized Sutcliffe by the throat, exclaiming "you are the damned son of a bitch," and commencing beating Sutcliffe over the head.—Murray instantly joined in the savage assault, striking the deceased with a leather strap such as is used by wheelbarrow-men, having at each end of it a buckle. The distressed woman begged them for God sake not to kill her husband, to which they made no answer, but continued beating him. She fled for assistance with the child in her arms, which her husband had handed to her when the defendant entered, and in passing out fell through an open cellar-way, from which she and her child were assisted by a female residing next door. She ran again back to her house, found the assailants gone and her husband "*creeching*" towards her on his hands and feet, covered with blood. She raised him up and his first inquiry was for a doctor, which he repeated when Tudor and Robinson two neighbors came to the relief of this much abused family. It was proposed to take him to the hospital, to which he assented, and he was accordingly conducted there, with but little or any assistance. Robinson says, that when alarmed by the cries of murder, he entered Sutcliffe's house, Sutcliffe said to him "*I am a murdered man, where shall I go?*"—that he then proposed taking him to the hospital, with which he was satisfied: that when he got near Christian street some one asked him what was the matter, when he again said "*he was a murdered man,*" that he was then bleeding much, and getting very weak. Elizabeth Jones, a witness for the commonwealth, testified that she saw Sutcliffe at the corner of 8th and Christian street, coming along, led by Robinson and Tudor, his

head covered with blood; on inquiring of him what was the matter he replied he was "*a murdered and a dying man.*" In proceeding towards the hospital, he stopped at the house of Thomas Timmins his landlord, requesting him to go with him to the hospital. While in Timmins's house, Miller, another of the witnesses, heard him (to use his words) "mumble something like Murray or murder" but in consequence of the flow of blood from his mouth, his utterance was indistinct, and the witness could not distinctly understand *which* he said. Timmins who accompanied the unfortunate man also to the hospital ^{does} not remember any of these expressions, being as he says "hard of hearing," but remembers his requesting Miller to tell his wife "not to be uneasy, that he would stop at the hospital that night," He also asked Timmins "if he could get out that night," on which the latter told him he had better remain there that the frost might hurt him. From the testimony of Dr. Wistar, we learn, that it was twenty minutes after 8 o'clock, when Sutcliffe arrived at the hospital: that the powers of life were very low; the surface of his body cold, and his whole appearance indicating him to be in imminent danger. So prostrate was his system, that Dr. Wistar says he should not have regarded any thing he said, considering him incapable of mental action. He spoke but a few words after his arrival at the hospital, almost immediately sunk into a comatose and lethargic state from which he never was roused and never spoke again. He died at five o'clock in the morning of the 8th of November, and on examining the body, the scalp was found by Dr. Wistar to be considerably bruised on the left side; the skull fractured branching off in two directions, one toward the left ear, the other towards the forehead; a large clot of blood four inches in diameter pressing on the brain, and about two teaspoonfuls of water at the base of that organ. The left arm near the elbow, severely bruised. Hannah Bradford who washed the body, says, that the left hip was bruised up to the ribs, and that his legs were mortified on the inside near the ankles. Elizabeth Sutcliffe, in her description of the violence committed on her husband, says, that he was first struck on the left side of the head with the club, that Murray struck him at the same time *across the head* with the buckle end of the strap; that he had received two blows from the club before she fled from the room and he had not then fallen. In this state of the evidence the Attorney General proposed inquiring what declarations Sutcliffe made as to the perpetrators of this outrage during his progress to the Hospital, which was resisted by the prisoner's counsel, but permitted by the court. For this purpose Miller was recalled, who merely re-stated his former testimony, viz: that at Timmins's he heard Sutcliffe make use of the words "Murray or murder," but *which* he could not distinguish. Thomas Robinson states that Sutcliffe said that "*the man who took the lumber away was the man who beat him.*"

Previous witnesses had proved that MURRAY and one HIGGINS had sometime before removed from the house occupied on the 4th of November, by Sutcliffe, some lumber, under circumstances which in another part of this judgment, it will be necessary to refer to. Such was the entire sum of the declarations of Sutcliffe received in evidence in the cause. So far as respects those derived from Miller they amount, from their vague character to nothing; and those proved by Robinson are not of much more precision and efficacy. So decidedly was this impression produced on the Attorney General, that in his address to the jury he distinctly disclaimed their adequacy to establish the identity of Murray; and urged the jury, if they had not other testimony maintaining this important particular, independent of these declarations, to acquit the prisoner. These views were adopted by the court in their charge to the jury; and the prisoner's counsel in his argument on the facts treated them as insignificant;—regarding the commonwealth as having in this respect failed. Since the

verdict however, they have assumed a new importance, and their reception pressed on us as irregular and operating fatally to the prisoner. But conceding their newly discovered importance, it is our clear opinion that according to the strictest principles they were rightly received. These principles would seem to require that before the dying declarations of a party mortally injured are admissible in evidence, the Judge who tries the cause must be satisfied that such declarations were made under an apprehension of impending death—but that this may be collected from the nature and circumstances of the case, although the decedent did not express such an apprehension. (2 Starkie on Evidence, 459.) What is the state of things in the case before us? Between seven and eight o'clock in the evening, the deceased is assailed at his own fireside by two ruffians without any apparent, or certainly any reasonable cause, beaten with a heavy club and the buckle-end of a leather strap, until his skull is fractured; his body covered with his blood which flows in such streams from his mouth as almost to deprive him of utterance; and his limbs otherwise cruelly and severely lacerated. In less than an hour his speech and senses leave him, and after remaining fifty five hours in this state of living death, the victim expires. If in any case a court could infer the existence of a consciousness of the receipt of mortal injury from the character of the circumstances under which it was inflicted, surely it is in one like this, where from the time and place of the assault; the total absence of all provocations leading to it; and the barbarous severity with which it was persisted in: the party injured could hardly suppose that any other intention existed than to take his life; and where from the extent of the bodily injury his sufferings could have indicated none other than a fatal issue. But the case does not stop here. We are not left to simple inference as to the existence of the consciousness required by law. We have his opinions expressed by himself almost simultaneously with the injury, or rather immediately after it, and when its effect were being first felt. To the first neighbor he sees, (Robinson) he declares himself to be a murdered man;—in answer to the inquiry of Mrs. Jones, when he is met by her, proceeding with his neighbors to the hospital, he employs the emphatic language, “*I am a murdered and a dying man.*”—and Miller says when at Timmins's he used the expressions “*Murray or murder*” as far as his tongue thickened with his gushing blood, could give utterance to his words. Here then is the second species of evidence required by the Book, and considered of the highest grade, in considering the consciousness of death necessary to the admissibility of dying declarations, viz: *decisive expressions of the existence of such an apprehension after mortal injury received.*

But the argument for the prisoner supposes that both the legal inference derived from the condition of the deceased as well as the *positive declarations of his convictions* as to the fatal character of the wounds, are deprived of their force by the remark made by Sutcliffe on going into the hospital, and by the fact of his having sufficient bodily strength left to walk there. On this occasion, Timmins says that Sutcliffe requested him to tell his wife “not to be uneasy, that he would be out in the morning.” If the Judge who tries the cause is to finally decide on the state of the mind of the deceased, this question to be determined by him is purely one as to the weight of evidence, and hence arises the strong objection against a rule which transfers the functions of the juror to the Judge, and thus defaces the symmetry of the system in which they respectively move. But admitting this to be free from objection, (which for the purposes of this case we distinctly do,) yet the weight of the evidence is in our opinion clearly with the Commonwealth. From Timmins's house to the hospital, is about four hundred yards, and if at the time of his arrival there, his system, as Dr. Wistar proves, was so prostrate as to entitle nothing he said to consideration;

what he said a few minutes before, in passing from Timmins's house to the hospital, surely is of very little more weight. The declarations, however, introduced and relied on by the Commonwealth, were made almost immediately after the injury inflicted; and before its fatal effects, rapid as they were, had time to develop themselves. But admitting that the mind of Sutcliffe retained its balance up to the time he made the communication to Timmins, still his language is not of that character which ought to shake the effect of his previous declarations. What is more natural, than that a husband and a father, who had been so assailed and abused in the presence of his wife and children, should seek even by a pious fraud, to soothe the anguish of his distracted wife, left as he must have been conscious she was, in the depths of misery and despair? The stern moralist may truly say, that in *his condition*, he should not have practised equivocation, or indirection; but the offence is one, that “the accusing spirit which flew to Heaven's chancery, would blush as he gave it in—and the recording angel as he wrote it down drop a tear upon the page and blot it out forever.” On the trial we were clearly of opinion that the weight of the testimony clearly preponderated in favor of the position, that the declarations of Sutcliffe were made under a conviction that he had received his death wound; and all our subsequent reflections have confirmed this original impression. But if we could have a doubt on the subject, *which we have not*, the slight character of the declarations proved, and the manner in which they were estimated by the Attorney General, the prisoner's Counsel, and the Court, would be an answer to an application for a new trial, which is but an application to the sound discretion of the Court; a discretion always to be regulated by a view of all the circumstances of the case, and particularly those connected with the irregularity complained of. We do not, however, rest our judgment, either on this principle, or on the doubtful character of the principle on which the argument for the prisoner rests; but meeting the question in its broadest latitude, and giving to him the law as he invokes it, our conclusions are clearly against this reason for a new trial.

The *second reason*, viz: the want of adequate proof of the identity of the prisoner as the perpetrator of the offence, is not supported. The testimony of Elizabeth Sutcliffe, to this point, is positive, precise, and unqualified. She knew Murray well, had lived for some time in his neighborhood, and was familiar with his voice, person and manner. During one of the ablest cross examinations I ever witnessed, she adhered to the position that Murray was the murderer of her husband, and her answers were so frank, clear and unhesitating, that not for a moment was the mind of the court or jury shaken as to her correctness or integrity. The defendant, indeed, attempted to prove an alibi, but, in our minds, and of course in that of the jury, utterly failed. The jury with a full knowledge of the magnitude of the issue before them, without hesitation, decided against this defense, and on no principle would the court be justified in interfering with their verdict.

With respect to the *third reason* for a new trial; it is certainly true, that, in Pennsylvania, in order to constitute murder of the first degree, it is not only necessary that the act of killing should be wilful, premeditated, malicious, legally unjustifiable and inexcusable, but the act of violence must be specifically directed against life. In England, homicide, which results from *such an act*, is murder, without reference to the amount of injury intended to be inflicted; the aggressor, in a case so circumstanced, being held responsible for all the consequences of his unlawful violence.

This comprehends the great distinguishing feature between the law of homicide, in the two codes, and perhaps the sole one. The existence of the intention to kill is always, of course a question of fact for the ju-

ry; often, however, free from difficulty, but sometimes delicate and embarrassing. When the homicide is committed with a weapon deadly in its character, such as a loaded pistol, a sword, a sharp axe, or other similar instrument of deadly violence, the fatal intention of the perpetrator presses on the mind with irresistible force. It is when an instrument of a more equivocal kind is used, that the difficulty, supposed to exist in this case arises; and the duty of the jury becomes increased in importance and complication. But, nevertheless, where the defendant pleads not guilty, it is the duty of the jury. The second section of the act of 1794, directs that "*the jury before whom any person indicted for murder, is tried, shall, if they find the person guilty thereof, ascertain in their verdict, whether it be murder of the first or second degree.*" The Court, in their charge in this case, carefully and fully explained the distinction of the degrees of murder; expounded to the jury their duties in discriminating between these degrees; referred to the act of assembly creating them; and the principles of the different judicial decisions under it, giving to the accused every advantage imparted by either. Their charge, in this particular, was all that the prisoner's counsel could have, or did anticipate. The jury, comprising some of our most valuable and intelligent citizens, aided by all the lights the experience of the Court could furnish as to the law of the case, for, as to the facts, they were left wholly uninfluenced; cautioned repeatedly and earnestly against yielding to the excitement which the murder of an unoffending man at his own hearth stone was calculated to produce; with the principles of the law expounded most favorably to the accused, have come to a conclusion adverse to him. Admitting the Court to possess the authority to revise their decision, still the exercise of such a power should be influenced by the clearest reasons, and the most cogent circumstances. But, in this case such circumstances and reasons are not to be found.

The identity of Murray as one of the individuals who entered the house of Joseph Sutcliffe, on the 4th of November last, and committed the aggression upon him, which forms the subject of this prosecution, being ascertained by the verdict, what are the leading features of the case, from which the jury have inferred a mortal design to have existed in the perpetrators at the time of the assault?

They seem to be such as to justify the conclusion, that the act was the result of a spirit of premeditated and deadly revenge, which could be satiated with nothing but the life blood of the victim.

Murray sometime before, had commenced and partially completed the house in Moyamensing Township, which was the scene of this outrage. Not having adequate means to satisfy the mechanics and material men, it was levied upon at their suit, and sold by the Sheriff at public sale, when Thomas Timmins became the purchaser. Murray appears to have been deeply mortified, at being thus deprived of his property. The first connection between him and the deceased, with reference to this house, arose from a fact, which occurred the night before the Sheriff's sale. On that evening, it seems that Murray, assisted by one Higgins, entered the building and removed some lumber from it. Sutcliffe and his wife lived near, and saw the act, which they communicated to Timmins, the purchaser. From that time the bad passions of Murray against Sutcliffe were roused, and certainly not diminished, when on the 28th day of October, Sutcliffe moved into the house as a tenant under Timmins the purchaser.

How Murray regarded this sale, and any interference with his house under it, is shown by the testimony of Samuel Tudor. He says that this sale took place on Wednesday, and that on the Monday after, Murray came to his shop, about sunrise, and asked him if he was going to work at the building. Tudor replied in the affirmative. Murray observed, that "Timmins had got it illegally, that he had better have nothing to

do with it, and he would curse any man who had any thing to do with it." At this time Mrs. Sutcliffe was passing by; Murray turned to her and said, "*there's the damned informer, now.*" She was about replying, when the deceased, her husband, caught her arm and pushed her into the house. This took place on the 28th of October, one week before the murder. Elizabeth Sutcliffe, in her testimony, says, that on the same day Murray came by the house and began to quarrel with her husband, who only told him, "if he did not leave him, he would put a warrant on his back." On Sunday, the day before the bloody deed, Murray, accompanied, she says, by five or six men, again came to the house and took some pieces of board from the fence, and said to her husband, the deceased, "damn your soul, go tell Timmins I've taken some boards off the fence."

Smarting under these fancied wrongs, and filled with bitterness against the unoffending and unresisting deceased; at eight o'clock the following evening, Murray, accompanied by some desperate ruffian, entered Sutcliffe's humble mansion, and at his fireside, in the presence of his wife and three young children, butchered him in the barbarous manner already detailed.

That the assault was made with pre-concert, and pre-arrangement, between Murray and his desperate associate, no man who heard the testimony, could reasonably doubt: that it was malicious and unprovoked, is equally clear: the only thing to be questioned, is, whether it was *deadly*. The circumstances of the transaction strongly indicate that to be the fact. When the prisoner entered the house, nothing was said or done to excite him, but the contrary, hospitably invited to be seated, he sat with his hat partly slouched over his eyes, apparently ruminating on the bloody business on hand, and waiting for his associate, who commenced the attack on the deceased the moment he crossed his threshold.

No resistance was made by Sutcliffe, who did nothing says his wife, but "*beg them for God's sake not to kill him.*" His prayers fell on stony ears: the assailants continuing to beat him with a club, not quite as thick as an axe handle, and a leather strap having a metal buckle on each end of it, until his horror stricken wife, shrieking, left the scene of brutal violence in search of protection. On her return, after an absence of a few minutes, she found him prostrate and weltering in this gore:—but his murderers were fled. The sudden disappearance of these men after their work was done, no doubt was considered in the aggregate of reasons which induced the Jury to come to the conclusion that the attack on Sutcliffe was committed with a mortal intent. Such would be the exact course of men who had committed such a crime. It is also to be remembered, that when Elizabeth Sutcliffe fled with her infant in her arms from the room, the assailants had not finished beating her husband. All the blows she saw were inflicted on the head and left arm.

Yet Hannah Bradford, who laid out the body after death, describes bruises on other parts, viz: on the left hip, extending up to the ribs, on the right hip; and on the inside of the legs near the ankles. From this testimony, the jury had the right to infer, and no doubt did infer, that the beating was even more atrocious than is described by Elizabeth Sutcliffe; and they came to the result that an attack so wanton, unprovoked, cruel, and merciless, resulted from a formed design to take the life of the deceased.

It is true that the weapons used, were not necessarily productive of death. An axe, a rifle, or a sabre might do their work more certain. But the weapons used *did kill*, and if used severely, were likely to do so. If we should hold that a killing by weapons, which in their popular sense, are not regarded as deadly, is inadequate to induce a conviction of murder of the first degree, we establish a precedent jeopardizing the life of every man in the community, who is the subject of such rancor as appears to have been undeservingly le-

velled at the unfortunate Sutcliffe. No such rule happily exists, and although the nature of the weapon used, may be quite material in the ascertaining of the intent to kill; that intent must still in every case, be collected from all the attending circumstances, let the instrument of death be what it will. The respectable jury, who tried this cause, (and one more deserving this character, never was empanelled,) was quite as well qualified as any member of this court, to judge of the force and effect of this testimony in its application to this vital question. *They have decided deliberately and advisedly*, after the fullest instructions as to the laws of the commonwealth, applicable to the solemn issue on which they were called upon, under their oaths and affirmations to pass: and we do not feel ourselves justified, in interfering with such a verdict, for no better reasons than have been assigned. This reason for a new trial is therefore overruled.

The last reason for a new trial, viz *after discovered testimony* has signally failed. It is incumbent on the party who asks for a new trial on the ground of newly discovered evidence, to satisfy the court. *First*, that the evidence has come to his knowledge since the trial; *second*, that it was not owing to want of due diligence, that it did not come sooner; and *third*, that it would probably produce a different verdict, if a new trial was granted. (*Moore vs. The Philadelphia Bank*, 5 Serg. and Rawle 41; 1 Browne, 101; 4 Yeats, 446—461.) To this rule, may be added another, viz: that a new trial will not be granted on the ground of newly discovered evidence, which does not relate to new facts, but goes only to corroborate the testimony given at a former trial, or which consists merely of cumulative facts, or circumstances relative to the same matter, controverted at the former trial. (Smith and Brush 8; Johnson, 84; Peke and Evans, 15; Johnson, 210.) The new testimony is subject to all these objections, either of which would call for its rejection. At best, the allegation of newly discovered evidence, is a most dangerous reason for awarding a new trial, and this danger increases in exact ratio with the magnitude of the issue. If readily listened to, justice in an urgent case, would rarely escape defeat. In this case, however, no difficulty exists in deciding against its adequacy. It is true, that a gentleman of the bar has been produced, who, it was intimated, had knowledge of some new facts advantageous to the prisoner. But on his examination, he with perfect propriety, declined testifying on the solid ground, that all he knew was derived from disclosures made in professional confidence by a client, originally charged before the Mayor, as a participator in the crime. What these disclosures were, we are utterly ignorant of, nor can we ever judicially know them, from this gentleman occupying the relation he does — But if he could communicate them, his statements would be but hearsay testimony; mere rehearsals of what a third person, not under oath, not subject to cross examination, told him; and as such inadmissible in evidence in a future trial of the cause, if awarded. But he never can do it. The privilege which exempts counsel from testifying, is the privilege of the client; and a counsel perfectly willing and anxious to testify, in a matter affecting his client, would not be permitted to disclose any confidential professional communications operating against the latter. It would be a most dangerous thing indeed, should we set aside a verdict in a capital case on intimations, insinuations, or even direct communications of this kind. The sound principle in such a case is to be found in the legal maxim that "what does not legally appear, does not legally exist."

We have carefully examined all the reasons urged on us to set aside the verdict, and can in none separately, nor in all conjointly, find any thing which would authorize us to sustain the prisoner's motion. No individuals in this community can more regret the tendency of our opinions than ourselves. *But they are our*

opinions; and must be honestly expressed, let the result be what it may. It would have been far more grateful, had we found just and rational causes to give the prisoner a second chance for his life; but to us none such seemed to exist; and to refuse the execution of our duty under such circumstances, would be to the last degree unjust to the community, for the execution of whose laws faithfully and fearlessly we have been selected. The protection and conservation of human life is the leading object of social organization, and the laws framed for this great end, must be vindicated. The man may feel, but the judge must act.

The motion for a new trial is over-ruled, and the commonwealth must have judgment on the verdict.

APPENDIX

TO THE REPORT OF THE MINORITY OF BANK INVESTIGATION COMMITTEE.

Concluded from page 391.

No. 39.

May 7, 1834.

Resolved, That the committee will proceed to examine into the truth of the statement made by the Government Directors of the President of the United States and to Congress; and for that purpose will this day call for the production, for inspection, of the minute books, containing the proceedings of the Directors of the Bank, and the expense books, and vouchers for expenses incurred.

True copy,

EDWARD D. INGRAHAM.

Secretary of Committee of Investigation.

No. 40.

May 7, 1834.

The Chairman of the Committee of the Board read to the Committee of Investigation the following preamble and resolution:

Whereas it appears from the resolution of the House of Representatives of the United States appointing the Committee of Investigation, that two distinct inquiries were contemplated one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into or the mode of pursuing the inquiry: And whereas it appears, from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable because, if it have any purpose at all, it must be to criminate those individuals as well as the Bank; and if it have not this purpose it is without any assignable object, and would be an injurious invasion of private interests. And whereas, under these circumstances it is the duty of the Committee by all lawful means, to protect the rights and sacred confidence entrusted to their keeping, and to yield nothing, by consent, which cannot be legally demanded from them. And whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged or supposed to be applicable.

Resolved, That in the opinion of this committee, it

would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation, would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

No. 41.

Whereas this Committee have, by resolutions severally communicated to the President and Directors of the Bank of the United States, declared that, in discharging the duties confided to them by the House of Representatives, they claimed on their responsibility to that House, and to their constituents, to regulate their proceedings, to judge of the extent of their powers and duties for themselves, that they are not charged with the duty of criminating the Bank, its directors or others, but simply to inquire, amongst other things, whether such prosecution, in legal form shall be instituted; and that, in so doing, they would afford to every person, who might appear to be implicated by their examinations, full and fair opportunity of explanation and defence:

Resolved, therefore, That in performing the duty of "inspecting the books and examining into the proceedings of the Bank," the committee cannot rightfully be "required," and from the nature of their duties cannot comply with the request, to state specifically, in writing, the purposes for which they are proposed to be inspected.

Resolved, That the committee cannot comply with a request or requisition to specify what are the supposed violations of charter, because they are not conducting a prosecution, but simply inquiring whether one shall be instituted.

True copy,

EDW. D. INGRAHAM.
Sec. Com. of Investigation.

May 6, 1834.

1. Mr. Mason called for the production of the minute books containing the proceedings of the Board of Directors from the 1st of September, 1832, to the present date.

2. The Chairman requires that the expense book of the Bank, with the vouchers, showing the expenses of the Bank incurred under resolution of the 30th November, 1830, be submitted to the inspection of the Committee of Investigation.

3. Mr. Mullenberg desired that the books showing the account of — with the Bank of the United States with the notes and papers explanatory of such account, from the first day of January, 1832, may be submitted to the inspection of the committee.

True copy,

EDW. D. INGRAHAM.
Sec. Com. of Investigation.

May 7, 1834.

4. Resolved, That the Committee of Directors be, and they are hereby, requested to submit for the inspection of this committee, the credit books and pay lists of the Bank, to enable this committee to ascertain "whether it has used its corporate power or money to control the press, to interfere in politics, or influence elections.

True copy,

EDW. D. INGRAHAM.
Sec. Com. of Investigation.

May 7, 1834.

5. Resolved, That the Committee of Directors be requested and required to submit, for the inspection of this committee, the minute books of the Bank, together with the correspondence, journals, and other memorandums of the Committee of Exchange, on the state of the Bank, and on the offices, that this committee may be enabled to ascertain whether the Bank has had any agency, through its management or money, in producing the present pressure.

True copy,

EDW. D. INGRAHAM.
Sec. Com. of Investigation.

May 7, 1834.

Resolved, That the Committee of Directors be, and

they are hereby, requested and required to submit for the inspection of this committee, the minute books containing the proceedings of the Board of Directors, together with the correspondence, journal of the President of the Bank, the Exchange committee, the Committee on the state of the Bank, and the Committee on the Offices, that this committee may be enabled to judge whether the Board of Directors have violated the charter of the Bank by authorizing, permitting, or sanctioning, the exercise of improper or illegal powers by those committees, or by the President of the Bank.

True copy,

EDW. D. INGRAHAM.
Sec. Com. of Investigation.

May 7, 1834.

No. 42.

Bank of the United States, May 8, 1834.

Sir—I have the honor to inclose to you a copy of a resolution of the Committee of the Board, and to be,

With great respect,

Your most obedient servant,

JOHN SERGEANT, Chairman.

The Hon. Francis Thomas,

Chairman Com. of Investigation.

No. 43.

[Enclosed in the foregoing.]

Resolved, That after full deliberation, and with every feeling of respect for the House of Representatives, and for the Committee appointed by them, and with a firm conviction that they have nothing to fear from scrutiny of the affairs of the Bank, however severe, the Committee of the Board are constrained to adhere to the resolutions yesterday handed to the Committee of Investigation, and to decline complying with the calls heretofore made upon them, in any other manner than is therein laid down; believing this to be their duty, from which they are not at liberty to depart.

No. 44.

Whereas at a special meeting of the Board of Directors of the Bank of the United States, held at the Bank on the 24th of April, in this present year, a resolution was adopted and communicated to the Committee of the House of Representatives, by which a "Committee of seven members was appointed" to receive the Committee of the House of Representatives of the United States, and to offer for their inspection such books and papers of the Bank as may be necessary to exhibit the proceedings of the corporation, according to the requirements of the charter.

And whereas at a room in the Banking house on the 7th day of May instant, the Committee of the House of Representatives required of the Board of Directors the production of certain books and papers of the Bank of the United States by the Committee of the House of Representatives to be then and there inspected, as set forth in the following resolutions:

"Ordered, That the minute book, containing the proceedings of the Board of Directors from the 30th September, 1830, to this date, May 7, 1834, be produced for inspection."

"Ordered, That the books showing the accounts of —, of —, with the Bank of the United States, with the notes and papers explanatory of such account, from the 1st day of January, 1832, to this day, be submitted to the inspection of the Committee."

"Ordered, That the expense book of the Bank, with the vouchers showing the expenses of the Bank incurred under a resolution of the 30th of November, 1830, be submitted to the inspection of the Committee of Investigation."

"Ordered, That the Committee of Directors be requested and required to submit, for the inspection of this committee, the minute books of the Bank, together with the correspondence, journals, and other memorandums of the proceedings of the Committee of Exchange on the state of the Bank, and on the offices, that this

Committee may be enabled to ascertain whether the Bank has had any agency, through its management or money, in producing the present pressure."

"Ordered, That the Committee of Directors be and they are hereby, requested and required to submit for the inspection of this committee, the ninth books containing the proceedings of the Board of Directors, together with the correspondence, journals of the President of the Bank, and the Exchange Committee, the Committee on the state of the Bank, and the committee on the Offices, that this Committee may be enabled to judge whether the Board of Directors have violated the charter of the Bank, by authorizing, permitting, or sanctioning the exercise of improper and illegal powers by those committees, or by the President of the Bank."

And as a preliminary to a reply, received from the Committee of the Board of Directors, a preamble and resolutions as follows.

"Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated, one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation; and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry, and whereas it appears from calls made by the Committee of Investigation, that they have proposed a very wide range, embracing among other things, an extensive examination of the acts, transactions accounts and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all it must be to criminate those individuals as well as the Bank, and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests; and whereas, under these circumstances, it is the duty of this Committee, by all lawful means, to protect the rights and sacred confidence intrusted to their keeping, and to yield nothing by consent which cannot be legally demanded from them; and whereas, after careful and anxious consideration, they are of opinion that the inquiry can only be rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules therefore,

"Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected, and if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter to which the evidence is alleged, or supposed to apply.

"Resolved, That in the opinion of this Committee it would very much conduce to the purposes of justice, as well to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

Which being considered, was replied to by this Committee, as follows:

"Whereas this Committee have, by resolutions, severally communicated to the President and Directors of the Bank of the United States declared that, in discharging the duties confided to them by the House of Representatives, they claimed on their responsibility to that House and their constituents; to regulate their proceedings, to judge of the extent of their powers and duties, for themselves; that they are not charged with the duty of criminating the Bank, its Directors, or others; but simply to inquire amongst other things, whether such prosecution, in legal form, shall be instituted; and that, in so doing, they would afford to every person who

might appear to be implicated by their examinations, full and fair opportunity of explanation and defense.

Resolved, therefore, That in performing the duty of "inspecting the books, and examining into the proceedings of the Bank," the Committee cannot rightfully be "required," and, from the nature of their duties, cannot comply with a request, to state, specifically, in writing, the purposes for which they are proposed to be inspected.

Resolved, That the committee cannot comply with a request or requisition, to specify what are the supposed violations of charter, because they are not conducting a prosecution, but simply inquiring whether one shall be instituted.

And a specific answer requested.

That, in answer to these several calls, the Committee has received the following:

"Bank U. S. May 8, 1834.

Sir—I have the honor to enclose to you a copy of a resolution of the Committee of the Board, and to be, with great respect,

Your most obedient servant,

JOHN SERGEANT, Chairman.

To the Hon. Francis Thomas.

Chairman of the Committee of Investigation.

Resolved, That, after full deliberation, and with every feeling of respect for the House of Representatives, and for the Committee appointed by them, and with a firm conviction that they have nothing to fear from scrutiny of the affairs of the Bank, however severe, the Committee of the Board are constrained to adhere to the resolution yesterday handed to the Committee of Investigation, and to decline complying with the calls heretofore made upon them, in any other manner than is therein laid down, believing this to be their duty, from which they are not at liberty to depart."

And whereas this Committee does not feel authorized to consider the act of the Committee of the Board of Directors, in thus refusing to submit the books and papers called for to the inspection of the Committee of the House of Representatives, as within the authority conferred on their Committee by the Board of Directors, and thus the act of the corporation: therefore,

Resolved, That the chairman be requested to communicate this resolution to the President of the Bank of the United States, and to ask that it may be submitted to the Board of Directors. and this Committee informed by the said Board whether the refusal of the Committee aforesaid is to be regarded as the act of the Board, or done by its authority.

Resolved, That the chair be directed to transmit this resolution to the President of the Bank of the United States.

North American Hotel, May 8, 1834.

Sir—I have the honour to enclose to you two resolutions which have been adopted by the Committee of Investigation, and to ask the favour of you to submit them to the consideration of the Board of Directors at an early hour.

FRANCIS THOMAS,

Chairman of the Committee of Investigation.

Nicholas Biddle, Esq.

President of the U. S. Bank.

No. 45.

Bank of the United States, May 9, 1834.

Sir—I had last evening the honor of receiving your letter dated "North American Hotel, May 8, 1834," accompanying a copy of two resolutions of the Committee of Investigation.

These papers were submitted to the Board of Directors at their meeting this morning, and I am instructed to transmit to you a copy of their proceedings there-

on. This I accordingly do, with the assurance of the respect of Yours,

N. BIDDLE, President.

Hon. Francis Thomas,
Chairman of the Committee of Investigation, Philadelphia.

No. 46.

[Enclosed in the foregoing.]

Bank of the United States, May 9, 1834.

At a meeting of the Board of Directors, held this day, the following resolutions were unanimously adopted:

Resolved, That the Board, having heard the report of the Committee appointed on the 24th ultimo, upon the matters referred to them this morning, do fully approve and sanction the resolution adopted by the Committee on the 7th and 8th instant, and presented by them to the Committee of Investigation, which resolutions are as follows:

Whereas it appears, from the resolution of the House of Representatives of the United States, appointing the Committee of Investigation, that two distinct inquiries were contemplated; one of them directed to ascertain whether the charter had been violated, and limited to the acts of the corporation, and the other so very general and indefinite, as to make it difficult, if not impossible, to say whether it has any limits at all, either as to the matters to be inquired into, or the mode of pursuing the inquiry; and whereas it appears, from the calls made by the Committee of Investigation, that they have proposed a very wide range, embracing among other things, an extensive examination of the acts, transactions, accounts, and letters of individuals, and thus instituting a kind of general search, which is the more objectionable, because, if it have any purpose at all, it must be to criminate those individuals as well as the Bank; and if it have not this purpose, it is without any assignable object, and would be an injurious invasion of private interests: and whereas under these circumstances, it is the duty of this committee, by all lawful means, to protect the rights and sacred confidence intrusted to their keeping, and to yield nothing by consent which cannot be legally demanded from them: and whereas, after careful and anxious consideration, they are of opinion that the inquiry can be only rightfully extended to alleged violations of the charter, and this inquiry ought to be conducted according to some certain principles and rules: therefore,

Resolved, That the Committee of Investigation be respectfully required, when they ask for books and papers, to state specifically, in writing, the purposes for which they are proposed to be inspected; and if it be to establish a violation of the charter, then to state specifically, in writing, what are the alleged or supposed violations of charter, to which the evidence is alleged or supposed to be applicable.

Resolved, That in the opinion of this committee, it would very much conduce to the purposes of justice, as well as to the convenience of all concerned, if the Committee of Investigation would furnish a specification of all the charges intended to be inquired into, and proceed with them in order as stated.

[Here follows the resolution of the 8th inst. enclosed in the letter of the President of the 8th inst. to the Chairman of the Committee of Investigation.]

Resolved, That the President be requested to send a copy of the above resolution, duly certified, to the Chairman of the Committee of Investigation.

No. 47.

By authority of the House of Representatives of the U. S.

To Benjamin B. Bonsall, Marshal,
of the Eastern District of Pennsylvania.

You are hereby commanded to summon Nicholas Biddle, President, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Cox, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, Directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said

dle, President, Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Cox, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, Directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, "for the purpose of ascertaining, as far as practicable, the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session, and of inquiring whether the charter of the Bank of the United States has been violated, and also, what corruptions and abuses have existed in its management; whether it has used its corporate power, or money, to control the press, to interfere in politics, or influence elections; and whether it has had any agency, through its management or money, in producing the existing pressure; also, to inspect the books and examine into the proceedings of the said Bank, and whether the provisions of the charter have been violated or not; and what abuses, corruptions, or malpractices have existed in the management of said Bank; and also to examine into the affairs of said Bank and branches; and further, to visit the principal Bank, or any of its branches for the purpose of inspecting the books, correspondence, accounts, and other papers connected with its management or business," in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said Bank, showing the indebtedness of individuals to said Bank, on the 10th day of May instant, at the hour of twelve o'clock, M., then and there to testify touching the matters of said inquiry, and to submit said books to said committee for inspection.

Herein fail not, and make return of this summons.

Witness the seal of the House of Representatives of the United States, and the signature of the honorable Francis Thomas, Chairman of the said Committee at the City of Philadelphia, this ninth day of May, in the year one thousand eight hundred and thirty-four.

FRANCIS THOMAS.

Attest: W. S. FRANKLIN,
Clerk House Representatives U. S.

Marshal's Office, Philadelphia, May 10th, 1834.

Served the within, on the individuals within named, to wit: Nicholas Biddle, Emanuel Eyre, Lawrence Lewis, Ambrose White, Daniel W. Cox, John Holmes, Charles Chauncey, John Goddard, John R. Neff, William Platt, and Matthew Newkirk, by handing a copy thereof to each of them, on Friday, the 9th inst. and on James C. Fisher, John S. Henry, and John Sergeant, by handing a copy thereof to each of them on the 10th day of May instant, between the hours of 8 and 9 A. M.

So answers

BENJAMIN S. BONSTALL,
Marshal Eastern District of Pennsylvania.

No. 48.

The undersigned having been individually served by B. S. Bonsall, Esq. Marshal of the Eastern District of Pennsylvania, with a copy of a process dated the 9th instant, by which he was commanded to summon them, by the following names and descriptions, to wit: Nicholas Biddle, President; Emanuel Eyre, Matthew Newkirk, John Sergeant, Charles Chauncey, John S. Henry, John R. Neff, Ambrose White, Daniel W. Cox, John Goddard, James C. Fisher, Lawrence Lewis, John Holmes, and William Platt, Directors of the Bank of the United States, to be and appear before the Committee of the House of Representatives of the United States, appointed on the 4th day of April, 1834, in their chamber in the North American Hotel, in the city of Philadelphia, and to bring with them the credit books of said

Bank, on the 10th day of May instant, at the hour of 12 o'clock, M., then and there to testify touching the matters of said inquiry, and to submit said books to said Committee for inspection, have consulted together, that they might be assisted by the judgment of each other, as to the course they were individually to pursue; and have concurred, each for himself, in the conclusion, for the government of his individual conduct, which will now be stated; and, to avoid misapprehension or controversy, have reduced their answers to writing, signed with their names, and herewith respectfully presented, each for him: If, as follows:

1. Without waiving any objection there may be to the legality of the said process, or the service, (which is expressly reserved) we deem it most consistent with the respect we wish upon all occasions to acknowledge to be due to the Committee of the House of Representatives of the United States, to attend upon them in person, and accordingly do so attend, to manifest our respect, but not to admit any obligation.

2. We do not produce the books specified in the paper before mentioned, that is to say, "the credit books of said Bank, showing the indebtedness of individuals to said Bank," because they are not in the custody of either of us, but, as has heretofore been stated, of the Board, whose views upon this subject, we would take occasion to say, have already been respectfully communicated to the Committee of Investigation.

3. We do not know whether it was the intention of the Committee of Investigation to call upon either of us to testify, or whether the object of the paper was not simply to require us to produce "the credit books of said Bank, showing the indebtedness of individuals to said Bank." But to avoid unnecessary trouble to the Committee, and in the spirit of frankness required by the respect that is due to them, we have deemed it proper to consider the alternative first mentioned, and each of us now says, for himself, that, considering the nature of the proceeding, and the character of the inquiry, even as explained in the resolution of the Committee of Investigation of the 7th instant, and considering that, as corporations and directors, we are parties to the proceeding, we do not consider ourselves bound to testify, and therefore respectfully decline to do so. We are sure the committee will duly estimate the sacrifice we make of personal feeling in thus deciding, conscious as we are that we have no knowledge, which, if a necessary regard to our duties and the rights of others permitted, we would not willingly expose without reserve.

N. Biddle,	A. White,
M. Eyre,	D. W. Coxé,
M. Newkirk,	John Goddard,
John Sergeant,	James C. Fisher,
Charles Chauncey,	Lawrence Lewis,
John S. Henry,	John Holmes,
John R. Neff,	William Platt.
<i>Philadelphia.</i>	

No. 49.

North American Hotel, May 10, 1834.

Sir—I have the honor to transmit to you, by direction of the Committee of Investigation, two resolutions, which you will find enclosed.

I have the honor to be,

With great respect,

Your obedient servant,

FRANCIS THOMAS, Chairman.

To John Sergeant, Esq.

Chairman of the Committee of the Board of Directors

Whereas, resolutions have been adopted by this committee into which the names of private individuals were necessarily introduced, that the Committee of Directors might more readily know where the accounts or papers, which were called for to be examined confi-

dentially, were to be found; and whereas it has never been the intention of this Committee to publish such resolutions, unless, after such confidential examination, it should appear that the duty of the Committee, under this resolution of inquiry, required it: and whereas the Directors of the Bank have declined to produce the accounts thus called for, and this Committee is unwilling to exercise suspicions against any one which they have not the means either to justify or remove, and there is no longer necessity for such injunction of confidence: therefore,

Resolved, That the members of this Committee be, and they are, released from the injunction which has been imposed, to consider confidential their journal and proceedings, except such parts thereof where the names of private individuals appear.

Resolved, That a copy of the foregoing preamble and resolution be forwarded to the Committee of Directors.

True copy: EDW'D D. INGRAHAM,
Secretary of the Committee of Investigation.
May 10, 1834.

Committee Room, (North American Hotel,)
May 10, 1834.

Resolved, That when this Committee adjourn to-day, they adjourn to meet in the city of Washington, on Thursday, the 15th of May, 1834, at 10 o'clock, A. M.

True copy: EDW'D D. INGRAHAM,
Secretary of the Committee of Investigation.

SYSTEM OF GENERAL EDUCATION.

APPENDIX.

(Concluded from page 393.)

Letter from Rev. B. O. Peers, President of Transylvania University, Lexington, Kentucky.

LEXINGTON, JAN. 1, 1834.

Dear Sir—I received your letter this morning, and although I cannot hope to be able to contribute much to the store of information you are collecting respecting common school systems, I give you with much pleasure such views as a pretty thorough investigation of the subject has afforded me.

I send you for this purpose, a pamphlet containing a report made to our Legislature, in which you will find the results of my observations during a three months tour through New England. This was in 1830. I have since paid two additional visits to the east, for similar purposes, the effect of which, has been to confirm my impressions with regard to all the important points touched in the report.

I recommend to your particular attention the letters appended to the report. They are from such gentlemen as professor Stewart, of Andover; Hon. Wm. B. Calhoun, Speaker of the House of Representatives, Mass.; and professors Kingsley and Goodrich, of Yale college. They are valuable, because they speak the sentiments of New England, after two hundred year's experience.

I am pleased to see that you propose to make "the best mode of instructing teachers, preparatory to their taking charge of schools," a prominent subject of investigation. I am persuaded this is one of the first and most important provisions to be made in any effort to advance the interests of education. The establishment of schools for teachers, I think may be regarded as being at present, the great desideratum. The subject has been referred to committees by the legislatures of Massachusetts and New York; and very valuable pamphlets have been written on the subject by Mr. Walter R. Johnson of Philadelphia, Rev. T. H. Gallaudett of Hartford, and Mr. James G. Carter of Lancaster, Mass.

I mention these sources of information, thinking it possible you might be pleased to avail yourself of them. Were I to venture a criticism upon the excellent plans which have been proposed, I should say that they seem to me to have been drawn up on too large a scale for a *beginning*. It is a recommendation of any scheme, that while it is susceptible of indefinite expansion, it admits of but a moderate beginning. I do not see why all our colleges and reputable high schools, may not become nurseries for teachers. The mechanic, to learn a trade, only wants an opportunity to *practice* under the *direction* of a *skilful* workman. The youth who wishes to acquire the *art* of education, for it is an art, needs two things: an opportunity to acquire knowledge, which he may by and by impart to others, and also of a course of superintended practice that he may learn the art of communication and mental training. I do not see why a system of educational apprenticeship should be more impracticable or inappropriate than any other. The difficulty, I apprehend, however, does not relate so much to the establishment of professional schools, as to the fact, that few, I may say that almost no young men think it worth while to fit themselves for a business which offers only the scantiest remuneration in the form of honor and emolument. Here I am confident is the source of all the evils complained of in relation to the defectiveness and imperfect diffusion of education: *The people do not value it as they ought*. Did they rank it among the *necessaries* of life, instead of placing it low down on the list of dispensables, agents in abundance would soon find or create means to fit *themselves* to serve them in the very best manner. Is it not, then, the *demand* for education, that needs to be stimulated? Let this become what it should be, and the supply will take care of itself. Convinced that every thing depends upon the prevalence of an enlightened and liberal public sentiment with regard to the value of education, we are addressing our efforts, in Kentucky, to the production of this, as the great *preliminary* measure. Let our people once be taught to think that they cannot possibly do without *good* education, and they'll have it.—Almost all other practical questions on the subject, then, resolve themselves into this: How can this sentiment be created? If parental affection, duty, patriotism, pride, will not excite a man to educate his children, (and we see they are not sufficient,) what can? I answer, the great ruling passion, *the love of money!*—But this is just the cause which now fetters and depresses education. True—but it is because it is not enlightened. It does not know that the best possible way to seek its gratification, is to spend money freely for the production of intelligence, the ultimate source of all wealth. Knowledge is wealth, is just as worthy of becoming a settled maxim, as that which expresses the dependent relation between knowledge and power. I am surprised that political economists have not insisted upon this with greater emphasis, when detailing the sources of production. I am satisfied that it remains for their noble science to construct an argument, which, appealing to the point of greatest sensibility in the public mind, will do more for the diffusion and improvement of education, than all others that have yet been tried. Admitting that intelligence and wealth sustain to each other the relation of cause and effect, they will also be proportionate. It is easy, then, to show how ignorance, which keeps inactive the mind, i. e. the productive capital of a community, is friendly to poverty, and vice versa; and when we take into consideration the saving of time, board, clothes, books, &c. the pecuniary argument urges, with peculiar force, the advantages of good, above indifferent instruction. I wish we had a popular tract, setting forth these truths with perspicuity and fervour, and could have a *copy placed in every family in the Union*. With a view to awaken and enlighten public sentiment in Kentucky, we are about to organize a State Society, with county auxiliaries, and to make an experiment at applying the ma-

chinery of the various benevolent societies to the cause of education. By means of agents, newspapers, pamphlets, handbills, speeches, sermons and conversation, I believe a great deal can be done this way.

Ought we not to have a national convention on this subject? There is experience enough in the Union, if studied *comparatively*, to answer all the purposes of learning and recommendation. Are not our inquiries prosecuted in too isolated a manner? I perceive there is scarcely a State in the Union, in which there is not at least one person who has made the subject of general education his particular study. Supposing the Legislature of every State in the Union were to employ at least one such person to attend a national convention, say in Philadelphia, and that, availing themselves of the light struck out in convention, and the information and documents each one could contribute, they were to spend a month or more, in digesting a work on popular education; would it not be as cheap a mode of getting the information necessary for intelligent legislation, as could be adopted? Such an arrangement would give to each State the benefits of the experience of all the rest; would repress the great tendency there is to implicit imitation; would introduce more of uniformity, and give more of *national* character to education. If the plan were proposed by the Legislature of our State to the Legislatures of the rest, might it not be accomplished?

In the absence of a fund on which to rely, in whole, or even in part, we are obliged in Kentucky, and I do not much regret it, to address ourselves to the reasons and interests of the people. The utmost that can be hoped from our Legislature this winter, and perhaps all that at present should be desired, is, that they *order* the division of the counties into school districts, and authorize the voluntary imposition of an *ad valorem* tax. We shall then be able to act upon the most promising districts with the machinery of our society, and the example of superior schools established in this way, will, by degrees, stimulate to action in others. We have hitherto relied too much on legislation, and have been waiting under the very pernicious impression, that nothing can be done without a fund, forgetting that, under any arrangement, the people cannot be relieved from supplying the money. The only question being as to the *best method* of furnishing it. We have suffered, too, from the false impression, that the Legislature could cheapen the price of education, and give it to us for almost nothing. This appears to me to have been one of the most hurtful, and at the same time one of the most prevalent mistakes, ever made upon this subject. The laws which regulate wages, and the relation between price and ability, are beyond the control of legislation. We are endeavoring, and with success, to introduce into our most profitable situations, first rate teachers from New England, hoping that the difference between a good and bad workman will soon appear upon their pupils—thus making a wide and obvious difference, which inferior education does not make, between the instructed and the uninstructed, thereby causing ignorance to become a brand of disgrace, which no parent will be willing that his child shall wear.—I am inclined, therefore, to believe, that all the purposes of diffusion will be spontaneously answered, if we only provide that the education which we do give, shall be of a superior character. If the bugbear expense here present itself, I appeal to the political economist to show us that *good education* is the *cheapest*. The acknowledged mistake of New England and New York upon this point, is conclusive in the way of warning and advice. So long as we encourage the people to wait at the door of the public treasury, expecting every thing from the Legislature, and soliciting education as a charity, they will be listless and inactive themselves. Elevate their taste, excite them to *desire good* education, and we shall be sure to have quantity and quality united.

May I hope to receive a copy of your proceedings, when they shall have been printed?

Very respectfully,

Your obedient servant,

B. O. PEERS.

Letter from W. R. Johnson, Esq. of Philadelphia.
PHILADELPHIA, Dec. 30, 1853.

Samuel Breck, Esq.

Dear Sir:—Your favour of the 20th instant was duly received, and afforded me high gratification, from the prospect of the near approach to its fulfilment, of that great constitutional duty which was in 1790 imposed on the Legislature of our Commonwealth. It will afford me sincere pleasure to contribute, in any manner, towards the speedy accomplishment of the objects of your committee. I am at present occupied for a few weeks, in the delivery of two or three courses of lectures, which, in addition to other duties, have prevented a more prompt attention to your communication, and will delay, in some measure, the more detailed observations which I hope to offer in regard to the three topics adverted to in your letter, viz:—*common schools, manual labour in schools, and seminaries for teachers.*

In the mean time, I shall take the liberty of forwarding a few printed papers, which have, at different times, been presented to the public, and which contain some reference (more or less direct) to all these topics. The earliest of these relates to schools for teachers, being, I believe, among the first productions in this country which had relation to that kind of establishment. My opinions, in regard to the details of a system to be pursued in such seminaries, have been since modified only in respect to minor objects. I still believe, for example, notwithstanding what has been said by others in favour of a school for teachers where nothing but the *art of teaching* should be taught, that it would be far better to follow the plan which I recommended in 1825, of connecting a school for teachers with a plan of *actual instruction*; where various departments of the arts should be practised, and where the candidates for the office of teacher should receive from competent masters, some instruction in the way of lectures or otherwise, in the higher and more important branches of useful knowledge. This would render the institution at once useful as a model, useful as a disseminator of positive information, and more attractive than it could be made, if confined to the simple verbal explanation of plans and methods of imparting knowledge.

In a school of this kind, a provision for manual labour ought undoubtedly to constitute a distinguishing feature, both because those who will resort to it will be likely to come from, and ultimately resort to places where their knowledge of the useful arts will be put in special requisition, and also because their age and circumstances will, in most instances, permit if not require an exertion of some kind, to defray the expenses of their maintenance and education. This practice, together with such knowledge as they would acquire from lectures, and the experience in teaching which they would obtain in the model school, would qualify the young men sent forth from the establishment, to serve with ability and acceptance, the districts in which they should afterwards be employed.

In regard to the system of common schools, you will find in the accompanying description of the New York system, my views, in part, respecting the general features, to be embraced in its construction. It has appeared to me, that the duties of superintendent of schools will, when our State shall have adopted an effective system, be sufficiently important and absorbing to demand the services of a separate officer, who should not be embarrassed with other engagements, as are the several executive functionaries already existing.

I can only add, that I remain, with high respect,

Your obedient servant,

W. R. JOHNSON.

We are indebted to our former correspondent for the two following communications on the history of the locust, which he appears to have been pursuing very attentively. It is an interesting subject, and we should be glad to collect and preserve well authenticated facts respecting this insect, especially as, to what has lately been asserted respecting its noxious properties, and also the time of its appearance and disappearance in different parts of the State.

For the Register.

THE AMERICAN MOLE LOCUST.

No. 3.

I remarked before, that when they emerged from the earth they are in the pupa form. After every rain more and more are seen to burst through the earth. They were most numerous on the tenth, thirteenth and fourteenth of this month. These insects are furnished with a Proboscis, with which they can penetrate through wood. Many of them when taken from a plant indicate much anger, and a readiness to revenge the insult. The male during a hot sun, will make a great noise by means of instruments covered by cartilaginous coats. These folded membranes are curious; they are operated on by a powerful muscle; these constitute the drum, which by contraction, dilation and vibration, produce considerable noise. There are four belts running parallel round the belly. The female cuts into the young and tender branches of trees and shrubs, through the sap or new wood and deposits its eggs in lines from two inches, to fourteen inches in length. The eggs are of an oblong form, and very numerous. The Peach, Cherry and Apple trees—Currant and Gorseberry bushes—also the Grape Vine. They appear to be most fond of the Peach. Many trees they will not even alight on, and when placed on them will evince considerable agitation or excitement. During warm dry days, many were seen to alight on damp places, and they appeared to extract moisture with the two foremost legs, and after obtaining a supply, then to walk to the nearest tree and ascend. I have observed that if the locusts are vigorous, that birds are apparently afraid of them, but when from cold or other causes they are unable to struggle, they easily fall a prey not only to birds, but ants. The Squirrel is very fond of Locusts, leaves his hole without his usual care, and is shot by the sportsman. Several boys have been severely injured by Locusts, but they were the first aggressors, as the Locust will only sting in self-defence. I mentioned that Locusts first came under my observation on the twentieth of May, but they were seen in this vicinity as early as the tenth of that month. The Locust tree is the favorite tree of the Locust. The young trees will be found covered with Locusts. When they come up in fields without a tree, they creep to a post and deposit the shell, then wing their way to the Locust tree, or such tree as is equally tender.

The Acacia and Robinia, derive the name of Locust from the attachment of this insect. Although many Locusts died on the night of the fifteenth of June, yet their places were supplied by those which made their

appearance above the earth the same night. The Locusts attach themselves to the lower surface of a leaf; I have not remarked any indication of their having eaten, but from the manner in which they use their legs I incline to the opinion that they extract the vegetable juice for their nourishment.

June 18th. Numbers die off daily, both male and female. Last night there was a severe hail and thunder gust, the ground this morning, in many places, is strewn with the dead and dying. A few also emerged from the earth, so that we shall still hear the buz of this insect some time, although vast numbers have already perished. The influence of an invigorating sun to-day, has made the Survivors unusually noisy. As the evening grows dark the Locusts leave the trees, "to which many are destined never to return," for shrubs or plants where they may safely shelter for the night.

Yours,

C. R.

LANCASTER, June 19, 1834.

No. 4.

It appears questionable whether those insects can sting to produce death, or even injury. The Sand Wasp is an enemy of the Locust, and is found frequently preying on it; the sting of this Wasp is very severe, and boys in their eagerness to gather up Locusts, may through mistake take up a Sand Wasp with them. I know several persons who have tried to make Locusts sting them, but without success. I incline to the opinion that they are incapable of doing injury in this way. I have not yet had satisfactory evidence as to the fact.

June 20th. The Locusts are getting lighter and lighter; every night diminishes their numbers. The elder bushes are cut up with deep incisions, in which the eggs are deposited. I have not yet heard of a young insect leaving the egg. Many birds eat the eggs greedily from the perforated branches. As a few are emerging from the earth, their music may probably continue until the fourth of July.

There are many trees to which the Locusts have a great antipathy, especially the Fir species. I have seen them on the Chestnut, Poplar, Maple, Hickory, and Ash, to all of which they appear to attach themselves willingly, with the exception of Hickory.

I have remarked that the Locusts may continue until the fourth of July, as an account of the celebration of that day in 1817 says, "we were regaled with the music of the Locusts."

The Harvest Locust is called *Union Locust* from the letter *U* on its back, but the Seventeen Years Locust is called *War Locust* from the letter *W* on each wing.

June 20th. The music of the Locust diminishes daily in sound.

The Locusts have two distinct *Musicians*; one is called the Screecher, from its discordant notes; the other the Organist, from its harmony or resemblance to the organ. This morning, in taking off a Locust from one of the finer sorts of China Roses, I narrowly escaped being stung by a large wasp which had attached itself to this insect,

June 21st. I have not discovered any indication of a pupa making its appearance the last night, from which circumstance I infer that the Locusts will disappear early in July. It is not a little remarkable that the pupas vary much in size; many are considerably larger than others. Of the Locust, one is called the Small Mole, the other the Large Mole.

Many an observer carries a magnifying glass, with which he is enabled to examine the pupa, the Locust, and the egg; he is fully rewarded for his curiosity by the singular organization of this mysterious insect. Birds and poultry are fond of the Locust, and even dogs, cats, and rats devour them greedily. It is by the short tremulous quick motion of the wing that the Locust puts his musical machinery into action. It is supposed, when the Locust, as soon as it acquires its perfect form, having its full strength, that it is then able to play its lively and not unpleasant notes; but as it loses its strength, its pipes become less and less agreeable, until finally it is a screecher from mere exhaustion.

LANCASTER, June 21st, 1834.

C. R.

THE LOCUSTS.—At the expiration of the usual period of *seventeen years*, the locusts have made their appearance in the country east of the Allegheny. They are now found in great abundance as far as the very base of the mountains. Here they are stayed. They have never made their appearance on the mountains. The oldest inhabitants of the country have never seen them here. We know that in 1832 they were in great numbers west of the mountains, and none were here. We do not pretend to explain this singular circumstance. Whether their non-appearance here is owing to something peculiar in the timber, the soil, or climate, is beyond our means of information. We merely state the facts, let others speculate upon the cause.—*Ebens-Sky*.

A destructive fire lately occurred at Germantown in M^r Lehman's Lumber yard, on which several of our fire companies rendered essential service, on which the Telegraph remarks:

Notwithstanding the fire occurred at a dead hour of the night, and some of the companies had to drag their heavy apparatus upwards of *six miles*, and the others nearly the same distance, over rough uneven roads; yet such is the vigilance and undaunted spirit of this valuable class of citizens, that in *one hour and fifteen minutes* after the fire was first discovered here, *thirteen Engine and Hose Companies from Philadelphia*, accompanied by *between four and five hundred firemen* and several hundred citizens were on the ground, to extend the hand of help.

The following is a list of the several companies ad-
verted to in the preceding paragraph, viz:

Engines Companies.—Fairmount, Good Intent, Northern Liberty, America, and Philadelphia.

Hose Companies.—Independence, [the first on the ground from the city,] Diligent, Washington, Resolution, United States, Neptune, La Fayette, and Pennsylvania.

PORTSVILLE, May 24.

HAIL STORM.—The inhabitants of the lower part of this county were visited with a violent hail storm on Thursday evening last. Some of the hail stones are represented to have been as large as a common sized walnut. All kinds of grain has been injured considerably.

METEOROLOGICAL REGISTER.

Extract from the Meteorological Register, taken at the State Capital—Harrisburg, Pennsylvania,

BY JAMES WRIGHT, Librarian.

DECEMBER, 1833.

Days of the Month.	Days of Week.	Morning temperat.	Noon temperature.	Even. temperature	Mean temp. of day	Morning height.	Noon height.	Evening height.	Mean height.	Winds.	State of the Weather.	
Thermometer.						Barometer.						
1 Sunday	36	44	44	41	29.80	80	80	80	29.80	N E	Cloudy day,	
2 Monday	36	43	43	41	87	87	83	87	N E	Cloudy day, snow at nig.		
3 Tuesday	37	39	40	39	95	95	95	95	N E	Cloudy—rain,		
4 Wednesday	40	42	42	41	30.06	2	2	30.03	N E	Cloudy day,		
5 Thursday	40	45	43	43	2	2	2	2	N E	Cloudy day,		
6 Friday	37	42	44	41	6	6	6	6	N W	Clear day,		
7 Saturday	32	37	38	36	6	4	4	5	N E	Cloudy day,		
8 Sunday	36	38	38	37	29.82	82	82	29.82	N W	Rain—cloudy,		
9 Monday	38	43	45	42	70	70	70	70	W	Cloudy day,		
10 Tuesday	39	41	39	40	71	75	80	75	W	Cloudy day,		
11 Wednesday	35	40	39	38	85	85	85	85	N W	Cloudy day,		
12 Thursday	25	35	37	32	84	84	84	84	N W	Clear day,		
13 Friday	23	32	38	31	95	95	95	95	N W	Clear day,		
14 Saturday	28	29	26	28	82	71	70	74	N E	Cloudy—snow,		
15 Sunday	29	30	27	29	62	66	70	66	N	Clear day, snow at night		
16 Monday	26	35	35	32	82	82	73	79	E	Cloudy, snow and rain,		
17 Tuesday	39	41	41	40	27	30	30	29	N E	Rain—cloudy,		
18 Wednesday	38	40	38	39	38	40	48	42	N E	Drizzling rain—snow,		
19 Thursday	35	38	37	37	82	82	82	82	N	Clear day.		
20 Friday	31	34	34	33	94	94	94	94	N W	Clear day,		
21 Saturday	24	32	35	30	86	83	83	84	S E	Cloudy day,		
22 Sunday	33	46	47	42	80	80	80	80	S E	Clear day,		
23 Monday	30	38	38	35	85	80	65	77	S E	Cloudy—rain,		
24 Tuesday	38	40	41	40	57	57	57	57	S E	Cloudy day,		
25 Wednesday	38	42	42	41	57	59	65	60	S E	Cloudy—rain,		
26 Thursday	30	36	37	34	78	78	78	78	W	Clear day,		
27 Friday	32	33	30	32	78	78	78	78	W	Cloudy day,		
28 Saturday	25	32	34	30	76	72	72	73	W	Clear day,		
29 Sunday	35	39	39	38	80	87	89	85	N W	Clear day,		
30 Monday	34	36	35	35	86	88	88	87	E	Snow—snow,		
31 Tuesday	36	40	34	37	78	76	73	76	E	Cloudy day.		
Thermometer.						Barometer.						
Maximum on the 5th,						43°						Maximum on the 6th,
Minimum on the 14th,						28°						Minimum on the 17th,
Difference,						15°						Difference,
Mean,						36½°						Mean,
												30.06 inches.
												29.29 “
												00.77 “
												29.80 “

From the Commercial Herald.

WEST CHESTER.

You ask for a bird's-eye view of West Chester. Well, come with me to the top of Everhart's new Hotel. Here we find ourselves perched some sixty feet above the town, like Asmodeus and Don Cleofas upon the steeple of St. Salvador; not like them, however, to pry into people's secrets, expose their foibles, and satirise their vices; we would look at the fair outside, the useful, and the agreeable.

What a fine clear sky and delightful refreshing atmosphere, is your first exclamation.

Yes, but our sky and clouds, and all that, were sufficiently dwelt upon by your neighbour across the way, in his description of a visit here last summer.

What a beautiful little town—snug, compact, and standing out in bold relief amidst the verdant luxuriance of a fertile field, the country round gently undulating, and nothing within the horizon so high as where we stand.

Our town contains about 1,500 inhabitants; most of the buildings which you see are new; it is the seat of justice for the most wealthy county in the State, next

to Philadelphia and Lancaster; and next to Berks, the most populous. Prior to 1786 the spot was only known as a tavern stand, by the name of the Turk's Head. It was not till within a few years, that its advantages and resources began to be appreciated. The last assessment returns show the valuation of real estate within the Borough, to be \$319,534, and of personal property subject to taxation, \$535,660. A million, would not, probably, cover the actual value. The rail road will, no doubt, add to the growth and population, so soon as the country is relieved from its embarrassments.

Where are we, exactly, upon the map?

About twenty-two miles west of Philadelphia, sixteen miles north of Wilmington, and forty miles east of Lancaster. The distance to the Pennsylvania Rail Road, by the nearest cut, is four miles, to the Lancaster turnpike, five miles, and to the Yellow Springs, ten miles. The distance to the city by the rail road, which keeps the high ground to its junction with the State rail road, nine miles north east of this place, is thirty-one miles.

And what is there interesting within this beautiful horizon, more than the eye can see?—who cultivate these

fertile fields? what streams flow through them? what are your historical associations? what your traditional tales? what your relics of the aborigines, and what of the Revolution? But who can tell me all about your geology, botany and mineralogy.

Just this side of that range of hills, which bound the prospect, west, flows the Brandywine. The two branches of this stream unite about four miles from hence. Its hills are among the best cultivated and most productive portions of the county. The inhabitants are generally descendants of the primitive settlers, who came over with William Penn, and it is not uncommon to see a large tract in the hands of the fourth, fifth, and sixth generation from the ancestor who took it up. The rain which falls from the south side of the roof of our Court House, flows into the Cedar Creek, which heads some three miles to the north west.

Turning to the south west, you see the vicinity of Chad's Ford seven miles distant, and Birmingham meeting house, four miles; celebrated in Revolutionary history, and can almost trace with your eye, the route of Cornwallis, from Kennet Square, up, crossing at Jeffries Ford, passing within two miles of us, over Osborne's hill, and attacking our army at the street road and Birmingham grave yard. Go in to the neighborhood, and you may still hear a thousand curious incidents of the battle, from eye-witnesses, and a thousand traditional tales, the truth of which it is not now easy to ascertain. You will, however, most likely see many of the missiles, which on that bloody day, caused wounds, and death, and weeping, and sorrow.

The disciple of Penn, and advocate of his peaceful tenets, seldom ploughs a field in that vicinity without turning up a bullet, or a grape shot, and pausing to reflect, this little piece of lead or iron laid a strong man low—made his proud heart cease to beat—mayhap, some wife a widow and children fatherless; probably it slew my countryman; but whether friend or foe, it was a rueful deed.

Of the aborigines, it is not many years since we buried Indian Hannah, the last of our Leni Lenape. The sites of their wigwams are still pointed out, and every now and then, an arrow head, or rude stone hatchet, reminds us that this ground was once occupied by the red man.

For our natural history I must refer you to our Cabinet, with an intimation that those who are learned in this way, report the locality as uncommonly rich in specimens of plants and minerals.

But what a shabby old jail is this directly under our eye, for a country so rich and prosperous, and a town so flourishing!

True, very true—and things are worse inside than out. There are four or five persons confined here now for murder, and probably many others for high crimes and misdemeanors, who have the range of the whole building in the day time, and a yard, in common with any unfortunate debtor who may chance to be unable to find bail. All herded together indiscriminately, without classification, and if I mistake not, this same jail yard has been used from time immemorial, as a bull-alley, by the young men and boys of the town. But stop, Asmodeus reminds me that I am trespassing upon his prerogative. Call upon the Committee of the Athenaeum rooms, and they will show you a substitute for all this, in an ingenious and beautiful design for public buildings here, by an eminent architect, the immediate execution of which would be actual economy to the county, and which we hope soon to see accomplished. In the mean time do not scan that old Court House too minutely; look only at the cupola with its glittering ball and vane. If you have business, by all means go into the public offices and examine the records of early judicial proceedings in the province, which were removed here with the seat of justice from old Chester, the Upland of William Penn.

What low stone building is that on the hill, a little

north, shaded by a grove of locust trees and Athenian poplars.

That is the first meeting house built by the Society of Friends, in 12, 17 and just back of it is the cemetery, where lie interred the remains of our late Senator, Barnard.

A little to the south I observe a chaste and classic building with a recess portico, and two beautiful Ionic columns; the whole rough-cast, as if in imitation of granite. It is the new Presbyterian Church, 75 feet in length by 45, and cost about six thousand dollars, of which your good people of the city helped us to nearly one-fourth; the church is regularly organized, with a settled clergyman, and flourishing congregation.

What three story house is this up market street, with tall poplar trees in front, which seems to be connected with another large building in good architectural taste upon the same lot fronting Gay street?

The West Chester Academy, with the new boarding house attached to it, designed by Strickland—the whole now under the superintendence of that distinguished teacher and author of elementary works upon the French language, Mr. Anthony Bulmar; under his auspices, and with the aid of a recent grant from the Legislature, this promises to be a flourishing and highly useful seminary.

Look again to the south, and you will see another large building with a promenade on the top—every thing around it expressing comfort, neatness, and taste. That is the Female Boarding School, under the care of the Society of Friends, but not requiring the scholars to belong to this society. It is in excellent hands, quite prosperous, and without doubt one of the best female boarding schools in the country.

And here directly beneath us is our snug new Market House, well supplied with provisions on Wednesdays and Saturdays, and surrounded by an excellent McAdamised street.

This large hotel, and most of the buildings south and west of it, are on the Wollerton farm, which Mr. Everhart purchased a few years ago and laid out in streets and lots.

There are, besides this, several excellent public houses in the borough, one of them a temperance house.

Well, before we go down to refresh, do tell me whose is this farm to the south-east, just beyond the Female Seminary, enclosed and divided by thorn hedges, trimmed as neat and handsome as the box of a garden walk?

That is Dr. D ———'s, the author of *Florula Cestricea*, formerly a member of Congress, president of the board of canal commissioners, &c.

For a complete view of the statistics of the county, I refer you to the last Republican and Democrat printed here, a copy of which you will please accept.*

Come and realize this imaginary visit, you and your city friends, when the time arrives that you would leave the brick walls and stone pavements of town, for the green fields and elbow-room of the country.

Yours, adieu.

From the Philadelphia Gazette.

TRIBUTE TO LA FAYETTE.

June 20.

A special meeting of the City Councils held this morning, at 11 o'clock. In the Select Council, Mr. Meredith offered the following resolutions which were unanimously adopted, and concurred in by Common Council.

Whereas, the cause of freedom has sustained an irreparable loss in the decease of General La Fayette.

And whereas, during the life of that venerable and distinguished man, he was especially dear to the people of the United States, as their adopted fellow citizen,

* See Reg. last week.

and the generous friend of their country in the hour of her utmost peril, and is especially entitled to their recollection and regrets, now that he is no more.

And whereas, an expression of affectionate respect is the genuine and appropriate tribute due from freemen, to the benefactors of their country:

Resolved, That these Councils have learned with deep regret the decease of General Lafayette.

That they bear in affectionate remembrance the virtues of the deceased, and cherish for his fame the warmest attachment and the most unfeigned respect.

That in life he united the heroism of the soldier, the disinterestedness of the patriot, and the wisdom and consistency of the enlightened statesman, with a constant, zealous and efficient devotion to the cause of genuine freedom throughout the world.

That this nation owes to him a debt of gratitude which can never be effectually cancelled, for an active persevering friendship during a protracted life, and for having carried with him to the grave, after a thousand trials and temptations, the proud title of an American citizen, unblemished by reproach.

That the Mayor of the city be requested to communicate to the family of the deceased, the heart felt sympathy of the city of Philadelphia, for the loss which has been sustained by the two nations, of which he was a distinguished, a patriotic, and an honored citizen—and by the world at large—a loss however which is peculiarly their own.

That the Halls of these Councils be placed in mourning for the space of six months.

That the bells of Christ Church be muffled and tolled.

That these resolutions be published in all the daily Gazettes of the city.

That a committee, consisting of three members of each Council, be appointed to carry these resolutions into effect.

The committee under the last resolution, consists of Messrs. Ingersoll, Meredith, and Metherill, of the Select, and Messrs. Chandler, Schott, and Montelius, of Common Council.

In Common Council, Mr. Chandler in the chair, a supplement to the ordinance authorising the construction of an iron fence around Washington Square, suspending the operation of said ordinance for one year, was offered and adopted. Select Council concurred.

Various other public demonstrations of respect are in preparation, by societies, &c. In obedience to general orders, guns were fired at the Navy Yard during the day after the instructions were received—and the colours of vessels displayed at half mast. For further particulars see next vol.

From the Ebensburg, Pa Sky.

RAIL ROAD ACCIDENTS.

It becomes our melancholy duty to record three disastrous deaths which have occurred on the Portage Rail Road. On Saturday last a car broke loose at the head of Plane No. 1, and descending with inconceivable velocity, struck against and broke one of the posts of the shed at the foot of the plane. A respectable stranger, the only person in the car, was thrown by the violence of the concussion, a distance of sixty feet, up on a slope wall, from which he rolled into the Cone-maugh. He was immediately taken out. Life was not extinct, but his skull was fractured and his body much bruised. Medical aid was procured as soon as practicable, and every attention given to relieve his sufferings, but in vain. He languished in a state of stupor until Sunday evening, when his life ceased.

On Monday last, Mr. Michael Gallan of Summerhill township, in this county, was sitting on the front part of a train of Cars, in company with Messrs. John Ham-

mond, Thomas Pipes, and — Layton, the Captain of the Cars. In the attempt to gain the centre post between the turn-outs near plane No. 3, the train came in violent contact with another approaching from the opposite direction. As soon as the danger was perceived, all, except Mr. Gillan, leaped from the Car. He, not possessing equal presence of mind, continued in his seat. When the Cars met, he was crushed between them and instantly killed. Mr. Gillan has left four small children to mourn the unfortunate death of the last of their parents, their mother having died only a few weeks since.

On the same day, a woman said to be of the name of Monahan, was killed by a Car passing over her at plane No. 10.

A MAMMOTH TROUT.—Gen. Cadwalader and lady, of Philadelphia, being on a visit to Bethlehem, Pa., Mr. G. H. Goundie presented to Mr. Zeigler, of the Eagle Hotel, one of the largest brook trout perhaps ever known in this country, which was served up in his best style, at a dinner last Monday to the General and lady, and a party of ladies and gentlemen of Bethlehem, Pa. The trout measured 22 inches in length, 19 inches in circumference, and weighed 7½ lbs. It was raised by Mr. Jacob Schneider of the Lehigh Water Gap, who had kept it for the last six years in a trough in the second story of his house. We understand Mr. G. of Bethlehem has about 400 fine trout yet in his front house, measuring from 10 to 17 inches in length.—*Eas-ton Sentinel*.

THE REGISTER.

PHILADELPHIA, JUNE 28, 1854.

On Thursday afternoon about a quarter past 4 o'clock, Mr. Wills, an American aeronaut, resident of Baltimore, gratified the citizens with the sight of the most beautiful balloon ascension which has probably ever been witnessed in this city. The day was favourable though unusually warm, the wind about S. W. The balloon ascended majestically from the inclosure in Broad street, between Spruce and Pine streets, and passed a great portion of the city at a moderate height, furnishing every one almost a favourable view.

Such an occurrence as the ascension of a balloon being rare, a great number of persons were attracted to the place, as gratuitous spectators. The price of admittance to the inclosure was seventy-five cents, which many thought too high a price. Mr. Blanchard made the first ascension in America, from the Walnut street prison yard, on the 9th of June 1793, and charged \$5 for first seats, and \$2 for second, but even at this rate fell short of the expenses; so that a subscription was circulated to aid him. In 1797, he sent up a parachute containing several animals which descended on Market street wharf.

This number closes our 13th volume. The Index will appear with an early number of the next volume. No other portion of our work probably, contains the history of a period so eventful and important.

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